

# Chevy Chase: Franco Still Dead

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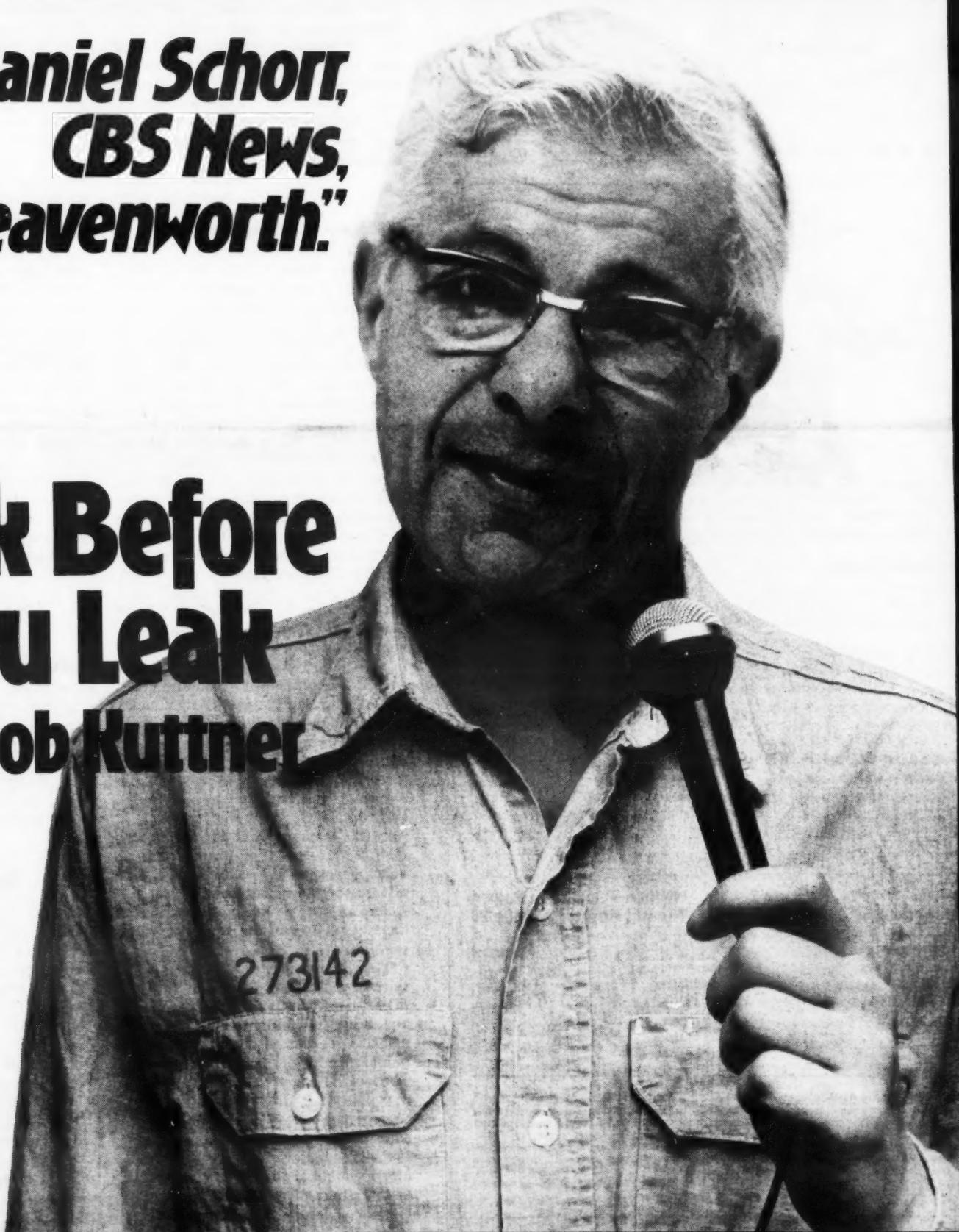
# MORE

Can Time Magazine  
Elect Jimmy Carter?

As Le Monde Turns  
Creating the FBI's  
Good-guy Image

*...Daniel Schorr,  
CBS News,  
Leavenworth."*

**Look Before  
You Leak**  
by Bob Ruttner



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# [MORE]

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## CONTENTS

**Look Before You Leak**

by Bob Kuttner

It seemed like a good idea at the time, but CBS Daniel Schorr's leak of the Pike committee's CIA report to *The Village Voice* has left almost everyone unhappy—including, ironically, the Reporters Committee for Freedom of the Press

Page 6

**Who's Afraid Of The NNC?**

by David M. Rubin

The National News Council runs out of money later this year and, after months of lackluster performance, no one seems eager to ante up more.

Page 8

**'I Think, Therefore I Am'**

by Jonathan C. Randal



A veteran foreign correspondent and former Paris bureau chief of *The Washington Post* examines the "highly respected" Paris daily, *Le Monde*, and finds its reputation inflated.

Page 14

**Weekend Update**

by Chevy Chase

Only on NBC's *Saturday Night* did we learn that while campaigning in New Hampshire President Ford threw a baby and kissed a snowball.

Page 16

**'This Is Your FBI'**

by Sanford J. Ungar

The G-man's image may be tarnished in these post-Watergate days, but for years the late J. Edgar Hoover proved a master at manipulating the media.

Page 19

**The Resurrection of JFK**

by Blake Fleetwood

After an initial infatuation, the affair between the press and presidential contender Jimmy Carter has ended—except at *Time* magazine, where the ex-governor of Georgia can still do no wrong.

Page 24

## AND MORE

**Letters**

Page 2

**Rosebuds**

Page 3

**Hellbox**

The Big Apple

Page 4

Page 26

**Furthermore**

by John L. Hess

A *New York Times* reporter suggests that journalists are worrying too much these days about presuming their targets innocent.

Page 28

Cover by Jay Harper  
Photograph by Diana Walker

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# LETTERS

**FCC Hazard**

Eleanor R. Randolph's article, "Are Polish Jokes Hazardous to Our Health?" [February 1976], perpetuates a common misunderstanding of the fairness doctrine. The fairness doctrine has no provision for "equal time." The fairness doctrine requires only that broadcasters devote a reasonable amount of time to the discussion of controversial issues of public importance, and that they make an affirmative effort to present all sides of such issues. They are not required to balance the content of individual programs or to give equal time to each view. The spokespersons for each point of view, and the format in which each point of view will be presented, is left to the broadcaster's discretion. The "equal time" requirement is a provision of Section 315 of the Communications Act and applies only to legally qualified candidates for public office.

—Pamela Richard  
New York, N.Y.

**'I May Be Killed'**

In the February centerspread ["If You Print My Name I May Be Killed"], [MORE] posed a question to editors and reporters that solicited their views on the publishing of names of CIA agents. [MORE] created a hypothetical situation involving a deep cover CIA operative and then asked if they would publish the name "given the role of *Counter-Spy* in the death of Richard Welch." While the article was in keeping with [MORE]'s responsibilities as an organ of media review, we feel that the phrasing of the question showed a lack of understanding of the role of *Counter-Spy*, our policy of publishing names, and why the CIA tried to portray us as culpable in the Welch slaying.

*Counter-Spy* has thus far printed the names of approximately 400 CIA agents. Some of the names were printed in the context of stories about CIA activities, and others were printed in lists that came from foreign press and television broadcasts. In both cases we have printed the names to reinforce political realities concerning CIA activities and further a public debate on the role and nature of the CIA. *Counter-Spy* exists, and publishes the names of agents, as a voice of a community of critics who feel that the existence of a secret paramilitary world-wide police force is antithetical to the wishes and needs of the American people and dangerous to the hopes and dreams of those in other countries.

The CIA has tried to portray us, as a voice of critics, as responsible, at least in part, for the death of Richard Welch, and mounted a hysterical publicity campaign to get that point accepted by the public. Nothing, of course, could be further from the truth; Richard Welch was killed not because his name appeared in *Counter-Spy* or the *Athens Daily News*, but rather because his job as the CIA station chief in Athens made him a symbol of the CIA's interference in the affairs of the Greek people. No amount of foreign aid money can ever

repair the damage done to Greek-American relations by the CIA's support of the murderous 1967-1974 junta and the support of Turkey in Cyprus.

Before Richard Welch was killed, at least 32 agents died in the line of duty, none of whom received the benefit of massive publicity and a state funeral. The reason for the sudden drama over Welch was a publicity campaign that sought to use Welch as a martyr and create a climate of fear among those who investigate or criticize the CIA. Indeed, it is ironic that there have been no state funerals for the 70,000 Vietnamese who were killed under the CIA Phoenix assassination program.

In its attempts to intimidate critics, the CIA has attacked *Counter-Spy* as a symbol of those who investigate it. Our egos are not so great that we don't realize that it was not simply *Counter-Spy* that came under attack, but rather everyone who has challenged the CIA in Congress, the media, and through political organizations.

Currently the editors of *Counter-Spy* are under investigation for possible criminal violations because we dared to print facts and some bits of the truth about the CIA. An agency that operates in secrecy and with deadly force cannot tolerate public scrutiny, let alone an adversary journal focused on its works. There is another side to that coin, of course; a democracy cannot function with immense power centralized in a secret police agency. With new alleged reforms announced by President Ford in February, the critics are supposed to close their notebooks, and the public is supposed to rest assured that "it" can never happen again. We have to ask ourselves if "it" is really all over? We feel it isn't and *Counter-Spy* plans to continue publishing.

—Tim Butz for the  
Editorial Board of *Counter-Spy*  
Washington, D.C.

**Advocates**

*Time* music hipster James Willwerth's reference to our paper [Letters—February 1976] was both wrong and defamatory. In his screed against Chris Welles's coverage of his Springsteen article, Willwerth tries to strengthen his case by dismissing us as "underground." Sorry Mr. Willwerth,

**Corrections**

In our December Rosebuds to Carey McWilliams, we reported that *The Nation* is the country's oldest periodical. In fact, *The Nation*, founded in 1865, is the oldest weekly; *Harper's*, a monthly founded in 1850, is the country's oldest periodical . . . The executive editor of the *St. Paul Dispatch* and *Pioneer Press* is John Finnegan, not John Flanagan, as we reported in "Prying Out The Truth" in January . . . The name of John V. Lindsay's new novel is *The Edge*, not *Thin Edge*, as reported in *The Big Apple* last month.

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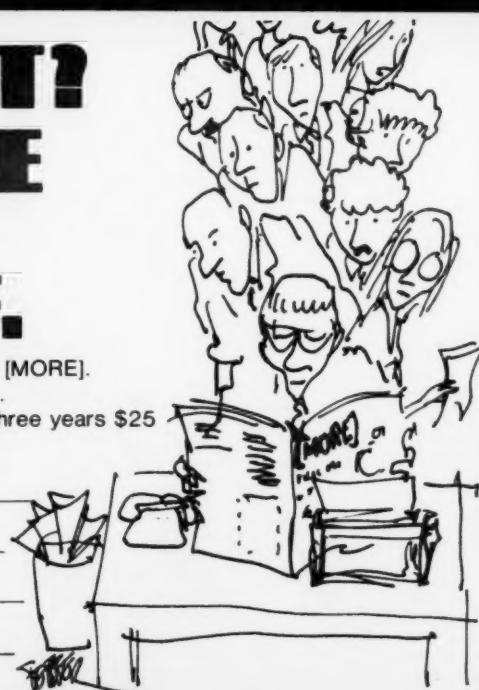
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*The Valley Advocate* is an alternative weekly newspaper serving western Massachusetts with 35,000 circulation (*Time*'s regional edition here is about 22,000). We also publish separate papers, *The Hartford Advocate* and *The New Haven Advocate*. The *Advocates* are not underground; they are alternative. This is more than a mere quibble, since "underground" is both a pejorative and inaccurate assessment of a rising force in U.S. journalism.

Willwerth didn't say his quote was inaccurate—just implied it was out of context. We didn't set out to "buttress an angry piece about *Time*'s lack of musical sophistication." We were simply the only publication to pick up on the *Time/Newsweek* Springsteen double bill coverage. We hoped to serve our readers by letting the chips fall where they may. Unfortunately, one settled on Mr. Willwerth's shoulder.

Furthermore, [MORE]'s Welles is correct in noting he should have credited *Advocate* writer Eric Benjamin's work.

By the way, we have seen the future of journalism and it is not Mr. Willwerth.

—Geoffrey Robinson and Edward Matys  
Publishers  
*The Valley Advocate*  
*The Hartford Advocate*  
*New Haven Advocate*  
Amherst, Mass.

This is in response to Chris Welles' article on Bruce Springsteen in your January issue ["Born To Get 'Itchy Ex-  
cited'"].

Although the piece went a long way toward unearthing some of the true heroes in the making of the Springsteen legend, the pioneering rock critics who sniffed him out when he was just a babe, I feel an injustice has been rendered.

Mainly—where the hell was mention of my name? I, too, discovered the boy long before *Time* and *Newsweek*, ages before John [sic] Landau (who's he?). Listen, I was there, with Al Aronowitz and Dick Nusser, that cold day in January 1973, a guest of Columbia Records, when Springsteen opened for David Bromberg to a tepid response. Did you read about that night or the future superstar, then, or ever, in the subsequent fevered writings of either of those two gentlemen? Hah! But what did you read in the very next issue of *Rock Magazine*—where I was then functioning as managing editor (now defunct)—yes! a rave review of his debut album.

And who was it, short days later, who approached Sy Peck, then of the *Times* Sunday section two, with the request to write up Springsteen's opening night at Max's Kansas City (now defunct also) on the last day of that historic month? Yours truly again—who wrote that story still buzzing from his set, at three in the morning, and delivered it, humming, but six hours later to the office of said Peck. (That the story never ran is not my fault.)

It was that initial breakthrough, however, which enabled me to qualify for the coup; this coup, thus far the only one in my career, which Chris Welles seems to be totally unaware of—that is, my review of Springsteen's second album in the selfsame *Times* (continued on page 29)

# ROSEBUDS

**'The Follow-up Is Decisive'**

**R**OSEBUDS to Jack Newfield, a relentless journalistic crusader whose recent *Village Voice* exposé of Marion Javits's Iranian Connection was only the latest in a long line of investigative reports sparked by a muckraking social conscience. Among them, in recent years, have been campaigns against lead-paint poisoning in ghetto apartments, corrupt and incompetent judges, profiteering in the New York nursing home industry and a potential political rip-off at Madison Square Garden. "He does an awful lot of stories that the Establishment press should be going after," says one admirer, a top political writer at the well-established *New York Daily News*.

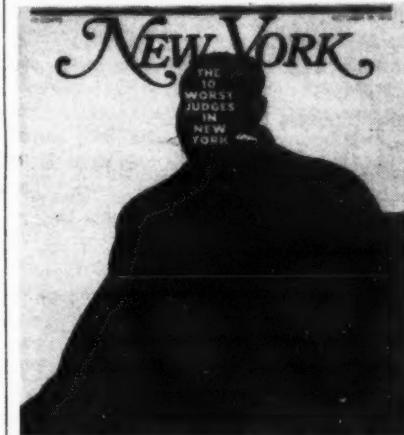
As Newfield explains the Javits scoop, he had become interested in the number of well-known figures who have been signing on recently as lobbyists for various Arab countries and concerns. Checking the records in Washington, he came across many familiar names—former Kennedy aide Fred Dutton, Nixonites Richard Kleindienst, William Rogers and John Connally. "But when I saw the name of Marion Javits," he says, "I said forget the rest—this is the story." Given the influential role in U.S. foreign policy played by her husband, New York Sen. Jacob Javits, the potential for conflict was readily apparent to Newfield. But he was also offended simply by the alliance of Marion the Beautiful Person with the government of Iran, which he considers a "particularly brutal dictatorship created by the CIA and now taking on the image of a trendy totalitarianism, as *Newsweek* or *Time* might say." Newfield's well-cultivated sense of outrage also blossomed when Ruder & Finn, the public relations firm that put Marion Javits on its Iranian account, couldn't describe to his satisfaction just what work of hers would justify a \$67,500 annual salary. After several days of controversy, she quit.

"My standard for myself is improving the lives of powerless people," says Newfield, who sees himself in the outspoken journalistic tradition of Tom Paine, Theodore Dreiser and Lincoln Steffens. In that respect, he finds the Javits exclusive less significant than many of his other major stories—particularly those he feels helped promote measurable institutional change. He cites a \$3 million lead-paint program mounted by John Lindsay's city hall (a three-year, \$75 million Federal project); a temporary commission on judicial conduct that was set up after his "worst judges" pieces in *New York* and *The Village Voice*; and all the attention now being focused on scandalous nursing home conditions: ten bills introduced in the state legislature, more state auditors to monitor nursing home records, a Moreland Commission to probe past influence peddling and a special prosecutor who has already indicted ten people, including the notorious Bernard Bergman. "In the end, the average person will get better treatment, which is the point of it all," says



James Eisenberg

"My standard for myself is improving the lives of powerless people," says *Village Voice* muckraker Jack Newfield. Among the tangible effects of his many investigative reports was a temporary commission on judicial conduct that was created after Newfield's "Worst Judges" pieces appeared in *New York* (below) and the *Voice*.



Newfield with undisguised pride.

"The follow-up is decisive," says Newfield. "Any bureaucracy, any institution, any industry can survive one or two embarrassing articles. It is only the repeated exposure, with fact piled upon fact, that makes a difference." More conventional journalists disagree. "A reporter can't really cause reform," says *New York Times* investigative reporter Nicholas Gage. "He can only create the climate in which officials are stimulated to do their duty—by getting a good story and leaving it at that." Newfield's critics also think he has a tendency to get too close to his subjects and sources. They point to his see-little-evil coverage of Robert F. Kennedy, New York Rep. Bella Abzug and Andrew Stein, the New York assemblyman whose official investigation of nursing home abuses pressed forward in tandem with the tough reporting of Newfield, among several others. In the case of Abzug, Newfield did indeed get close: enough to apologize in print for failing to report some remarks hostile to Israel that he overheard her make during her first congressional campaign.

Perhaps Newfield does rate a thorn cluster with his rosebuds. In more than

a decade as a reporter in New York, primarily for the *Voice*, he has developed the reputation among many journalists as a contentious, ego-involved polemicist. In addition, his early work was more than occasionally criticized for its inaccuracies and a simplistic tendency to present the world of politics in terms of heroes and villains. Newfield has also made his share of enemies by criticizing the judgment and performance of other journalists—notably at the *Times*. Now, Newfield thinks, the *Times* tries to avoid crediting him on stories (not a unique complaint, actually). "We credit papers, not individuals," says *Times* metropolitan editor Arthur Gelb. But Gelb doesn't care to talk about Newfield for publication and is reported once to have declared that Jack was the last person in the world he'd hire.

Almost from the first, it seems, Jack Newfield has looked at news through the prism of ideology. In an early incarnation at the old *Daily Mirror*, he and a fellow copy boy got the first wire service bulletins on the Bay of Pigs invasion—and burned them in the city room as a protest. "I was just outraged that we would invade Cuba," recalls Newfield, who was fired on the spot. Today, however, with a growing reputation as journalist and author to protect,\* he takes a more professional approach that some critics are beginning to acknowledge. He tries hard not to personalize issues, he says, and has many of his manuscripts read by friends Nicholas Pileggi, another investigative reporter, and Victor Kovner, an attorney. "My credibility is on the line," Newfield explains. "And as I get older, I guess I see the world as a more ambiguous place." But not so ambiguous, one can safely bet, that he won't find something to crusade for—or against—next week and long after.

—DAVID M. ALPERN

\* Newfield has written five books: *A Prophetic Minority* (about the New Left), *Robert Kennedy: A Memoir*, *Bread and Roses Too*, *A Populist Manifesto* (with Jeff Greenfield) and *Cruel and Unusual Justice*. Most have been favorably reviewed—even in the *Times*—and Newfield is now at work on a book about New York City's powerful "permanent government."

# HELLBOX

## Continuing Sagas

Last November, Don Widener, producer of a 1971 NBC documentary *Powers That Be*, won \$7.76 million in libel damages from Pacific Gas and Electric Co. Widener had been dropped by NBC when PG&E started muttering about bias in the film [Fine Tuning—January 1976]—and he hasn't had a network job since. Now he's out of the money as well. In January, San Francisco Superior Court Judge Byron Arnold overturned the jury's decision, declaring that Widener was a public figure and, as such, had failed to produce the required evidence of malice on PG&E's part. Arnold said Widener was a public figure "because he injected himself into an issue of public controversy"—namely nuclear power. "If that's true," says David Pensonen, Widener's attorney, "then every journalist is a public figure." Pensonen plans to appeal.

—MICHAEL INDICK

## No Bargain

When the Red Bull Inn needed a celebrity pitchman, it turned to George Anderson, entertainment editor of the Pittsburgh *Post-Gazette*. For a reduced price, the Red Bull offers dinner and a movie at any theater in the Cinemette chain. In a 30-second television commercial, Anderson is shown in front of the Red Bull and Cinemette logos. Identifying himself by name and position, he recommends the special by saying, "It's my job to know good movies. And as an individual, like everyone else, I look for good bargains."

Anderson was approached by the Red Bull's advertising agency during a local newspaper strike last year. "We were on four day weeks, then on reduced pay," he recalls. "The editors said it would be all right if we looked

for outside sources of income." The amount Anderson received for doing one commercial is not known; but the spot, which was not aired until after the strike was settled, ran for 13 weeks, at least through February 1976. The script for the commercial, Anderson says, was first read and approved by the newspaper's business manager and possibly the publisher.

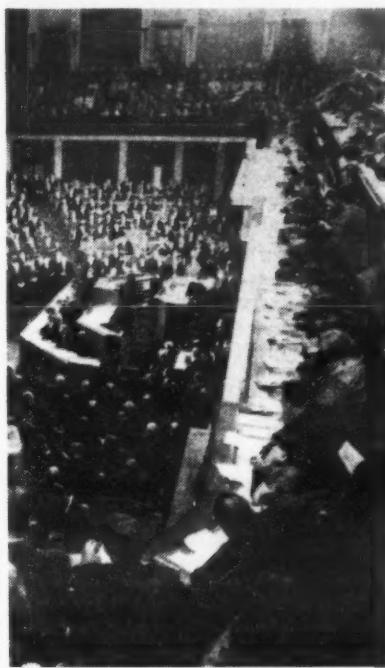
As entertainment editor, Anderson writes movie and drama reviews and news stories about the industry. He also does movie reviews for WWSW-AM. Cinemette's 230 theaters fall within his beat, but Anderson says that the commercial did not present a conflict-of-interest because the spot was paid for by the restaurant, not the theater chain. And after all, "I just say that it's a bargain," Anderson notes. "I don't tell anyone he's going to like it."

—EVAN PATTAK

## Rogues' Gallery

One day last year, Luther Carter, chief Washington correspondent for *Science* magazine, went to hear the House of Representatives discuss pesticide control. It was, he recalls, "an important debate on an issue that we've been concerned about for years." But Carter, seated in the public galleries, was forced to cover the story without taking a single note. In both houses of Congress, writing is permitted only in the press galleries—and the press galleries won't let Carter in the door.

More than 500 correspondents from more than 125 publications carry press cards allowing them to cover the House and Senate chambers from what are officially called the Periodical Galleries. Workspace and equipment are available there, and members are granted exclusive permission to attend daily briefings by the leadership of both houses. "Rule



Can the Congress decide who can cover its activities and who cannot?

2" of the galleries limits membership to representatives of periodicals that are "published for profit and owned and operated independently of any industry, business, association, or institution. . . ."

This provision has brought about the accreditation of such profit-making, non-association publications as *Modern Tire Dealer*, *Grocery Manufacturer* and *Western Stamp Collector*. Dozens of others—from *Christianity Today* to *The College Republican*—are automatically excluded. *Science* magazine, for example, is published by the American Association for the Advancement of Science, which is both nonprofit and an association. *Consumer Reports* is published by Consumers Union—same thing. Additionally, Consumers Union is a lobbying group.

The Executive Committee entrusted with governing the galleries refused last year to accredit Gilbert C. Thelen, *Consumer Reports*' first Washington editor. Peter H. Schuck, Washington director for Consumers Union, said he would sue if the decision were not reversed. This suggestion horrified some members of the Executive Committee. Chairman Donald E. Smith of *U.S. News & World Report* sent a letter to Sen. Howard Cannon, chairman of the Senate Rules Committee, which has jurisdiction over the galleries. With an open door policy, Smith predicted, it would tumble the AFL-CIO and house organs for special interest groups like the National Association of Manufacturers, the National Rifle Association or the Journal of the American Medical Association. *Time*'s Neil MacNeil, the Executive Committee's most influential member, told friends he'd take a walk before he'd submit to sitting down in the galleries with people from those places.

So Consumers Union took the case to D.C. District Court—and won. Judge Gerhard A. Gesell said that Rule 2 violated the First Amendment rights of the *Consumer Reports* correspondent.

To Neil MacNeil, the galleries are places hallowed with tradition, ripe with privileges. When Consumers Union began challenging those traditions, he wrote a history of the press galleries that became part of the court record. It is a ringing defense of Congress's authority to make its own rules and to determine who will and will not cover its activities. After the Gesell verdict, MacNeil sent a "confidential" memorandum to Cannon decrying the court's intrusion into Congressional authority. Then he complained about the inexperience of the "young attorney" assigned to the Executive Committee by the Justice Department. Worse still, he said, the attorney had been supervised "by a young woman scarcely out of law school."

New attorneys were assigned to represent the reporters of the Executive Committee, and the case went to the D.C. Court of Appeals. The committee's attorneys contended, for the first time, that the reporters were protected from prosecution under the Constitution's Speech or Debate Clause, which exempts congressmen from most arrests or investigations. The court agreed. It said the gallery reporters were indeed "aids and assistants" to the Congress and thus equally immune to any kind of inquiry.

Schuck filed for certiorari with the Supreme Court on Oct. 10. The petition was denied in January. It was, he said, "a stunning victory for the correspondents" who "have demonstrated they are immune from legal action."

*Science* magazine's Luther Carter has proposed a compromise solution. He suggests that prospective members be required to sign affidavits swearing they will not engage in any lobbying

## Earthquake 1976



In setting down the ground rules for the proper coverage of disasters ("Death Rampant! Readers Rejoice"—December, 1973), Alexander Cockburn advised that when dealing with earthquakes it was very important to "make sure to get [a] picture of one building still standing usually a church in Roman Catholic countries . . . ." And sure enough, when we went looking for photographs to illustrate the piece, we found the 1972 UPI shot on the left, the caption of which read: "MANAGUA, NICARAGUA: Cathedral stands intact amidst rubble in center of city of Nicaragua." We are happy to report that, like the churches, the Cockburn Earthquake Thesis still stands. The AP picture on the right appeared in the New York Daily News Feb. 5 over the caption: "Amid the ruins in Guatemala City, Guatemala, a church steeple and wooden shacks remain unscathed after yesterday's killer earthquake."

# HELLBOX

activities. Couldn't accreditation be given provisionally, he asks, then withdrawn if things don't work out?

Not if *Newsweek*'s Sam Shaffer, a member of the Executive Committee, has much to say about it. In a long letter to *Time*'s MacNeil, Shaffer said he couldn't agree more that "membership in the press galleries is not a right. It is a privilege—a privilege extended by Congress." The First Amendment, *Newsweek* told *Time*, "says nothing about the 'right' of the press to have access to congressional deliberations."

Still, in an apparent concession to changing times, the Executive Committee has appointed a special committee to consider making changes in the rules. One day soon the three-member subcommittee will have its first meeting. The chairman is . . . Neil MacNeil. Another member, Mark Arnold of *The National Observer*, is now on the record in favor of letting in publications like *Science*. He even made that proposal at a meeting of the parent executive committee. No one would second his motion.

—JAMES M. PERRY

## Coin Return

In the new book *Telephone*, veteran author, journalist and financial observer John Brooks offers the following disclaimer:

I have long felt (and have insisted in print) that, because books about corporate affairs are commissioned or subsidized so often as to raise well-founded suspicions about the arrangements behind all such books, the author of a corporate history owes it to both his craft and his readers to set forth plainly at the outset the essential terms and conditions under which he has done his work. For one thing, such revelation eliminates the possibility of deceiving the reader by offering him an unlabeled product; for another, it gives future historians information necessary to them in evaluating the book as source material.

Brooks goes on to describe the contractual arrangement he had with AT&T, which had given him complete access to company files, with the exception of materials concerning pending litigation, economic forecasts and undisclosed scientific data. The signing of this contract, he wrote, had been contingent upon AT&T's initial satisfaction that he would begin research with no special prejudice either for or against the company.

What Brooks fails to mention is that before any contracts were signed, Harper & Row and AT&T had struck up a sales agreement. Under the terms of this agreement, the phone company has already purchased over 5,000 hardcover copies and 110,000 special paperback copies of *Telephone*—bringing \$227,850 to Harper & Row. AT&T has also pledged to buy several thousand additional copies. As for Brooks, he received a \$75,000 advance from Harper & Row and \$15,000 from *Forbes* magazine, which ran excerpts from the book.

The book, which was prompted by the one-hundredth anniversary of the invention of the telephone, offers a history of AT&T and a look at the



One of six Doonesbury strips killed by several newspaper editors last month on grounds of taste.

telephone as a sociological phenomenon. In a prepublication review of *Telephone*, the trade magazine *Publishers Weekly* claims that "while not precisely a puff piece, [the book] is heavily weighted on the side of AT&T." Also, the review cites AT&T's skeletons—including alleged bribery, poor service and lawsuits by



the government—"as being treated rather superficially."

Brooks says the *PW* review is "as wrong as it could be. I assume the review was written by an incompetent writer." His book, Brooks declares, is "a first-rate work." As for the prior contract with Ma Bell, "The greatest of all corporations offered me an opportunity to write a book about them under highly favorable arrangements which gave me total control over the contents," says Brooks. "Why shouldn't I write the book?"

—PAUL SHAPIRO

## Back In The Closet

Joanie Caucus and Andy are sitting at a table in the *Doonesbury* campus coffee shop having a heart-to-heart.

J: You're what, Andy?  
A (gravely): I'm gay, Joanie, gay.  
J: Oh . . . Andy. (Buries face in hands.) . . . Are they sure?

A: I'm sure, Joanie.

Andy's homosexuality was the focus of Pulitzer Prize winner Garry Trudeau's six-part *Doonesbury* cartoon for the week of Feb. 9. It was a controversial topic handled "with humor and delicacy" says Los Angeles *Times* editor William F. Thomas. However all six strips were killed by the *Cleveland Press* and the *Houston Post*. Four of the six were killed by *The Miami Herald* and the *Columbus Citizen Dispatch*. In their place, the *Herald* ran several old *Doonesbury* strips; the other three papers ran, for at least two days, an explanation stating that the editors found the subject of homosexuality inappropriate for the comics pages. When the *Press* and the *Citizen Dispatch* offered to make proofs available to readers who wanted them, more than 4,000 people in Cleveland and about 1,800 in Columbus requested copies.

Editors at all four papers are quick to point out that they deal with homosexuality in the news and editorial pages. "But not in a humorous way," says *Cleveland Press* managing editor Thomas Boardman, "and the comics should be humorous." Larry Jinks, executive editor of the *Miami Herald*, was less concerned that the funny pages be simply funny. In a Sunday, Feb. 15, editorial page column Jinks, explaining his decision, wrote that

"we are more sensitive about the comic section . . . for a simple reason: it is the favorite section for children." On the apparent assumption that no children read the editorial page, Jinks boldly printed two of the spiked strips along with his column. Indeed, when the cartoon resumed in the *Citizen Dispatch*, it appeared on the editorial page, where, according to editor Charles Egger, it will remain.

Of course this isn't the first time the controversial *Doonesbury*—which appears in some 450 newspapers—has been censored. It was most recently killed by the *Los Angeles Times*, which objected to a strip that called President Ford's son Jack a "pot-head." "It wasn't funny," says *Times* editor William F. Thomas.

—ERIC P. NADELBERG

## Down the Drain

Sam Hudson, an independent filmmaker in Dallas, is busy putting the final touches on a television documentary entitled "A Natural History of the Water Closet." The film—produced for WITM, an educational VHF station in Hershey, Pa.—was financed in part by a \$30,000 federal grant from the National Endowment of the Arts Program in Architecture and Environmental Art.

The film, says Hudson, "is a comedy of the progress in the water-borne sewage industry over the past 80 years." He feels there has been very little progress indeed; and as a result, today's water-borne systems cannot handle problems that will develop "as population increases and fresh water grows more precious." The blame, Hudson says, falls on the toilet industry for failing to explore new sewage possibilities while retaining virtually the same design used in the original 1908 water closet.

Naturally, the very possibility of a federal boondoggle is bound to outrage some legislator these days. U.S. Representative Marjorie Holt (R.Md.) calls the grant "another glaring and inexcusable example of wasting the taxpayer's money on foolishness," and says she "can't see any way this is going to serve a vital interest of the people."

Hudson, who says this film is educational, concedes that "a lot of things sound funny until they're finished." But when he's through, Hudson promises, the toilet industry won't be laughing.

—CHRIS DUPIN

## Go Greyhound

As part of [MORE]'s continuing coverage of Jack Anderson's relentless search for an official Bicentennial slogan [Hellbox—November 1975], herewith the finalists. They were selected, from hundreds of entries, by the American Legion, the Jaycees, the General Federation of Women's Clubs and 55 state and territorial Bicentennial chairmen. The finalists are:

1. *America is your past; you are her future.*
2. *America—the possible dream.*
3. *Honor the past, challenge the future.*
4. *Take pride in America's past; take part in America's future.*
5. *Stand fast, stand tall, stand American.*
6. *Freedom's way—U.S.A.*

At this very moment votes are being tabulated by the Boy Scouts, the Girl Scouts and the Campfire Girls. Readers who neglected to vote are advised that the balloting is closed. Coming soon: Anderson announces the winner.

# Look Before You Leak

BY BOB KUTTNER

Daniel Schorr awoke the morning of Jan. 30 thinking to himself that he was now in the possession of a suppressed document—the Pike committee report on the CIA. The day before, the House of Representatives had voted, 246-124, to lock up the report of the House Intelligence Committee, in large part because a draft had been leaked to CBS News correspondent Schorr and to *The New York Times* the previous Sunday. As time wore on, according to Schorr's recollection, his musings turned obsessive—and even grandiose. "As a matter of public record the document had to come out, for History," Schorr said afterwards. He kept badgering CBS for more air time, a half hour special or a "debriefing" on *60 Minutes*. "CBS was not reacting. I was getting no signals at all." So the 59-year-old reporter began thinking of how else to get the document out.

Thus began one of the most embarrassing bungles in the history of press leakage, in which the leaker turned into leaker and reporters themselves began sounding increasingly like their CIA quarry, indulging in code names, safe-houses, cover stories, secret couriers, on-the-record fibbing and even laundered money. The episode ended, if indeed it has ended, with CBS suspending Schorr, who also faces possible congressional investigation and criminal prosecution. Moreover, the hitherto widely respected Reporters Committee for Freedom of the Press emerged red-faced, too. Before the affair was over, Schorr and the committee were publicly trading insults and accusing each other of the worst sin in journalism—betraying a confidence. Ironies abounded, not the least of which was that one of the two winners in the affair was the CIA itself. The other was Clay Felker, who netted a public relations as well as a journalistic coup for *The Village Voice*'s premier national edition.

Sometime over the weekend of Jan. 24-25, Schorr and a *New York Times* reporter, most likely John Crewdson, managed to see the Pike report. Schorr later found out he had gone the *Times* one better. He alone managed to Xerox it—or so the *Times* insists. Schorr was first out with the story on the CBS evening news of the 25th, and the story was a real break. Rep. Otis Pike's House Intelligence Committee found that the CIA had failed to anticipate major events, including the 1973 Yom Kippur war and the 1968 Tet offensive, that CIA budget-keeping was haphazard and covert operations often sloppy, that intelligence could be manipulated for administration political purposes and, most significantly, that Henry Kissinger had tried to obstruct the investigation.

Kissinger, enraged, charged the committee with "McCarthyism" and adroitly shifted the focus from the committee's allegations to Congress's inability to keep a secret. By Wednesday, Jan. 28, the House Rules Committee voted 9-7 to block release of the report. The following day, the full House concurred. "Before the House vote," Schorr says, "we assumed the report would eventually be issued and we would do more with it then." But it gradually dawned on Schorr that the report might never come out, and worse, CBS was losing interest. Admittedly, he had gotten several pieces out of the document, but there was still the document itself. When the *Times*'s William Safire phoned to ask for a reference from the report for a column on the Kurds, Schorr asked why he didn't just get it from the *Times*. "We don't seem to have it," Safire replied. So Schorr had the only copy.

What Schorr did next aroused passions among his colleagues that have not yet quieted down. The text, he decided, would be published as a paperback with an introduction by Schorr, just as the *New York Times* had published the Pentagon Papers. "I wanted any proceeds to go to a good cause," Schorr says. He first made inquiries at CBS about having the network's subsidiary,

## Daniel Schorr's leak of the Pike report to *The Village Voice* came complete with all the trappings of a CIA operation itself—code names, cover stories, on-the-record fibbing, even laundered money.

Popular Library, publish a quickie paperback. There was no interest. Next, Schorr contacted the American Civil Liberties Union's Washington director, Charles Morgan. The ACLU had its own publishing connections, but Schorr, on reflection, decided the ACLU might be too controversial. Morgan phoned *Los Angeles Times* bureau chief Jack Nelson, a trustee of the Reporters Committee for Freedom of the Press, to see whether the committee might help Schorr arrange for publication.

Nelson's first loyalty, however, was to his paper. "I wanted it for the *Times*," he recalls. But Schorr was only interested if the *Times* would agree to publish the entire document, and Nelson could make no such guarantee. About the same time, Schorr made soundings to the reporters committee through his CBS colleague, Fred Graham, also a committee trustee. Graham called Jack Landau of the Newhouse Washington bureau, the committee chairman, early in the week of Feb. 1.

As Landau understood the deal, the committee's function was mainly to help with Schorr's legal defense once the book appeared, and to help him find a willing publisher. Schorr offered to arrange for any proceeds to go to the committee. "Our interest was never commercial," Landau insists. "The committee's main function was to be an independent witness to Dan's claim that he had not acted for personal gain." On the advice of its lawyers, however, the committee decided not to take possession of the document, nor to make any contractual agreement for payment. A term of art worthy of the CIA was devised: the committee would serve as "passive recipient" of any proceeds.

Graham and Landau then polled several members of the committee. There was no dissent to the proposal. Even after the storm broke, most committee trustees continued to believe that the original arrangement was honorable, had it gone according to the script. "Why shouldn't we take the money to fight First Amendment cases, as long as there was nothing secret about it?" Nelson argues. Only *The Washington Post*'s Robert Maynard had faint misgivings, but Maynard didn't articulate them at the time. Landau and Graham, after all, were members of the bar and they must know what they were doing. Only afterwards did Maynard put together what was troubling him. "Our function," he said, "is to get reporters out of trouble, not to help them get into trouble."

When Landau phoned Maynard about the offer, Landau said only that a reporter was proposing to publish the Pike report and give the committee the proceeds. Maynard insisted on knowing the name. "It bothered me that we were fooling around with a document that was twice classified, but the fact that it was Schorr made a difference," Maynard said. "If somebody had just walked in off the street and said, 'Hey, the Pike report happened to stick to my hands and I want to unload it and there's something in it for you,' I would have said watch it fella. But with someone like Schorr, you don't ask all the questions you might have asked."

Graham went ahead and put Schorr in touch with Peter F. Tufo, a New York lawyer who

had helped the reporters committee in the past (and who also is a director of New York Magazine Co., which owns *The Village Voice*). Schorr also put his business agent, Richard Leibner, on the case. But the paperback houses were not interested. Spokesmen for both Dell and Popular Library, for example, maintained that their decision to reject the book idea was made solely on economic grounds—that the Pike report would not sell enough copies to recoup its publishing costs. But Schorr believes that the document was simply too hot for them politically. "The Administration has created a climate," he says.

Inexplicably, Schorr never cleared his project with CBS. "He certainly didn't tell me, and I would be the logical guy," said Schorr's immediate boss, CBS Washington bureau chief Sandy Socolow. "He came to me with a suggestion that we ought to think about getting the report published," Socolow recalls, "and the next thing I know it appeared in *The Village Voice*." Socolow adds he didn't even realize the *Voice* had gotten its copy from Schorr until he read Schorr's confirmation in *The Washington Post*.

As the week of Feb. 1 wore on, members of the reporters committee continued to assume that the report would be issued as a paperback with an introduction by Schorr. Meanwhile, Schorr's New York lawyer was reporting back no success. Finally, on Friday, he telephoned with a firm offer. Clay Felker was definitely interested, and he would agree to print the entire document. But Clay Felker as publisher of the *Voice* or of *New York* magazine? Felker, shrewdly, wasn't saying. It might be *New York*, it might be the *Voice*, it might even be a paperback. There would be a "substantial" contribution to the reporters committee.

It was the only offer. Schorr accepted. A courier was dispatched to pick up the report, which Schorr left with a housekeeper at his home in Washington. When he returned home, the report had been picked up. In a moment of paranoia, Schorr wondered whether the document would ever reach Felker. Then he called his friend, Fred Graham, to say that it looked as if it wouldn't be a book publisher, and he might have to keep his name out of it. But the committee went ahead and drafted a press release describing the original arrangement and crediting Schorr.

Two days went by with no word from New York. Was Schorr's fear founded? Had the document reached its destination? On Monday, Schorr's lawyer phoned again. Everything was fine. The document had arrived; the reporters committee would be paid in several installments. But Schorr cut him off, not wanting to know the sum. And where would the document appear?

*The Village Voice*.

Schorr insists that it was not the report's scheduled appearance in the *Voice* that caused him to switch signals and demand anonymity. "I began to suspect that I had the sole copy, but nobody knew that," Schorr says. "It occurred to me that it would provide an additional layer of protection for my source if it was not clear where the *Voice*'s copy came from." But the change of signals came too late.

On Wednesday, Feb. 11, the *Voice* published the body of the report in a special supplement. Meanwhile, *The Washington Post*'s Laurence Stern had gotten wind of Schorr's arrangement with the reporters committee. When Stern phoned committee chairman Landau to ask about the details, Landau's reaction was, "You mean you think this is a story?" Worried, Landau then phoned Schorr to clear the proposed press release. Schorr demanded that the committee not confirm his role. Later that Wednesday, in a long conversation with Stern, Schorr wandered on and off the record, confirming his role on a background basis but trying to persuade Stern to accept his on-the-record denial that he was the *Voice*'s source. As for the reporters committee, it eventual-

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Suspended CBS correspondent Daniel Schorr: "A monopoly position in the Pike report."

ly issued a ringing no comment. "We were thrown into complete confusion," Landau now confesses. "Oh, it was just terrible. Everybody wanted to do the moral thing. But we didn't even know that the *Voice* had Dan's copy. If we confirmed it, we might have been lying; if we denied it, we might have been lying."

Stern's story in Thursday's *Post* left no doubt that Schorr was the source, and Schorr felt betrayed. He lashed out at the committee, accusing it of breaching confidentiality and hinting that the committee had been involved for the money. "I deeply regret that the reporters committee has not been able to maintain the confidentiality of the arrangement, because there are delicate matters involved that journalists should want to protect in their common interest," Schorr said in a statement. Members of the committee reacted with fury. "Schorr's statement doesn't stand," said Maynard. "It slithers." "I think he's just a no-good shit trying to transfer blame to the committee in case his source gets burned," said Jack Nelson. "I don't think he's got a friend in the news media." When Nelson telephoned Schorr to complain, Schorr said icily, "You should have seen the first draft." Washington lawyer Joseph Califano, who represents both Schorr and the committee, tried to intervene before the name-calling broke out, but to no avail.

Friday's *Washington Post* brought the tale full circle. "Schorr Says He Leaked Material," read the implausible headline. A source had leaked the Pike report to Schorr, who in turn leaked the leak to *The Village Voice*. Somebody else leaked Schorr's leak of the leak to *The Washington Post*. "It is absurd to blame the committee for that," Landau protests. "For three weeks, six reporters from rival news organizations kept this a secret while Dan looked for a publisher. How he could have expected us not to confirm the arrangement? Did he think somebody would take a contribution in a brown paper bag?"

Neither Schorr nor the reporters committee come out looking very well in the whole affair. Still, it is worth asking whether all the fuss resulted largely because the Pike report ultimately found its way into the pages of an anti-establishment paper like *The Village Voice*. And also obscured in all the

sound and fury is the question of whether Schorr's original plan to publish the report was a good idea. In short, was the document really newsworthy?

The major dailies and the newsweeklies, which of course were scooped by the *Voice*, proclaimed in chorus that little in it was new. But a careful reading of the full text—particularly the second installment, which the *Voice* printed in its Feb. 23 edition almost as an afterthought—invites substantial sympathy for Schorr's obsession to have the full text come out. The 80-page section describing how the Pike investigation was obstructed is a thoughtful, literate narrative, undoubtedly staff director Searle Field's *cri de coeur* of the frustrating months fencing with Henry Kissinger over access to classified materials. It is the most fascinating case study I have read on just how the Federal police and espionage agencies successfully thwart Congressional supervision. So far, it has been almost totally ignored. Moreover, the leak has revived the Administration's faltering campaign for an Official Secrets Act.

**W**hatever the merits of publishing the document, Schorr is clearly in trouble on three fronts. By leaking the full text, Schorr defied not only the CIA but also Congress, which has played the role of good-guy in several recent episodes of breached executive secrecy. More damaging were the elements of subterfuge and the charges of commercial sale. "Even if he didn't profit from it personally, selling it was so goddamn sleazy," says one reporter close to the situation. (In explaining himself, Schorr at one point described his exclusive as "a monopoly position in the Pike report.")

There is certainly an element of *hubris* in both Schorr and the reporters committee, though Landau still doesn't believe the committee overreached. "When *The New York Times* did an instant paperback on the *Pentagon Papers*, everybody applauded," he says. "When Schorr did it, it's dirty money." Schorr himself made the same point in a letter the *Times* published Feb. 22. Responding to the paper's Feb. 15 editorial, "Selling Secrets," he wrote:

... Distribution of information, like other economic activities in a capitalist society, generates profit. That is true of information derived from governmental sources. It is especially

true of information whose value is enhanced because it is not generally available.

The *Times*, having had access to the same unreleased report of the House Intelligence Committee which is now a subject of controversy, reported extensively on its contents, reaping profit in prestige, and possible circulation.

Do you consider that The *Times* was "selling secrets"?

Or, do you wish to narrow the question (though why?) to the text of the report, published elsewhere than in one's place of usual employment?

Then we are talking about something like the paperback book published on the *Pentagon Papers* after they had been so brilliantly covered by The *Times*. Did that book represent "selling secrets"?

Is it not really unbecoming, if not downright hypocritical, for a paper that has so successfully profited from secrets to apply a term like "laundering" to one who is trying to avoid a profit and divert it to a cause he believes in?

Many of Schorr's colleagues appear unwilling to buy his argument. On Feb. 24, in fact, the six-member executive committee of the reporters group announced that it "will decline any gifts that may be offered in connection with the publication of the Pike committee report." But Schorr had his defenders, too. The day the reporters committee declined all money, Tom Wicker wrote in his *New York Times* column:

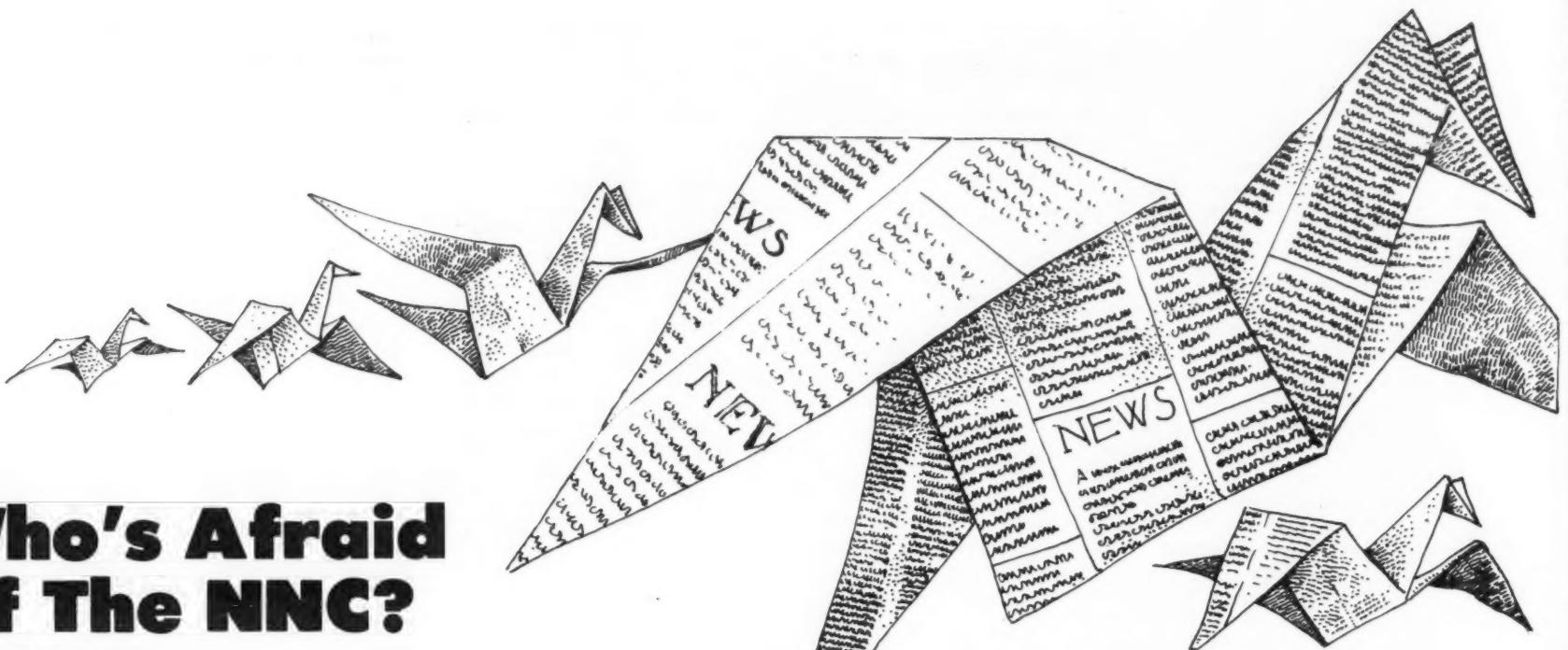
... Anyone who knows Daniel Schorr knows also that it is absurd to suggest he sought to profit materially from publication of the House committee report ... [His arrangement with the *Voice*] may well have been an error in judgment. But Mr. Schorr deserves to have it acknowledged that there was no "sale" of the committee report ...

Ironically, the committee is to be the beneficiary of a \$2-million fundraising drive among media executives chaired by CBS president Arthur Taylor. Though the campaign has been stalled for unrelated reasons since it was announced more than a year ago, Landau says he does not expect fallout from the Schorr affair to frighten away CBS. As for Schorr, he has been criticized by CBS executives and colleagues in the past for excessive advocacy and ego. And he was roundly denounced by management for his January 1975 speech at Duke University attacking CBS's instructions to correspondents to go easy on Nixon the night of his resignation. Undoubtedly, publication of the Pike report in the left-liberal *Village Voice* made Schorr's latest action seem even more political to CBS brass. "It could reinforce the conviction among some network affiliates," one unnamed CBS executive told the *Post*'s John Carmody, "that some CBS reporters wear their hearts on their left sleeves."

The choice of outlet also whetted Congress's appetite to go after Schorr. "I think it is very important that Mr. Schorr did not reveal the report himself on CBS," said Rep. Samuel Stratton (D., N.Y.), "but rather passed along the classified report to a third party." Stratton added, "Mr. Schorr thinks there is a higher law than the activities of the Congress of the United States." The House Ethics Committee could either recommend that Schorr be cited for contempt directly for leaking the report, an archaic procedure, or the House could request Schorr to reveal his source, and vote contempt if he refused. Or, conceivably, they could revoke his press gallery pass.

As [MORE] went to press at the end of February, the House was clearly gunning for Schorr. And most observers felt he was headed for a serious legal collision if he refused to reveal who gave him the Pike report. CBS said it would provide legal help in Schorr's fight to protect his source. But CBS News president Richard S. Salant made it plain that any difficulty Schorr got into because he dealt with the *Voice* was his own problem. Moreover, the network suspended Schorr (with pay) until his legal problems are resolved.

That, of course, could take months. Thus, CBS management—admittedly with an assist from the headstrong correspondent himself—has succeeded in doing what Richard Nixon was unable to do—get Dan Schorr off the air. ■



## Who's Afraid Of The NNC?

BY DAVID M. RUBIN

On June 29, 1972, A.M. Rosenthal, managing editor of *The New York Times*, wrote a four-page, single-spaced letter to the Ford Foundation's Fred Friendly, strongly condemning formation of a council to monitor the performance of the national news media by processing complaints from the public. Friendly, as advisor on communications to Ford, was considering a grant request of \$100,000 to help the council—the first of its kind in the United States—get started. He was canvassing journalists all over the country for their opinions. In bitter and often disdainful language, Rosenthal argued that such a council was unnecessary, that it would become a vehicle for outside groups to pressure the press, and that it would threaten First Amendment freedoms. It made little difference that the council's work was to be without the force of law and that cooperation by the media was strictly voluntary. The same thing had been said about voluntary press-bar association guidelines for coverage of trials; yet, Rosenthal noted, the bench was "[trying] to give them the force of

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**After three years of lackluster performance, media opposition and virtual invisibility, the National News Council is out of money and out of steam—and likely to sink into the obscurity of journalism textbooks.**

regulation." Many journalists Friendly contacted shared those views. Some also objected to the council's plan to only hear complaints about the national media—among them the wire services, networks, news magazines, and the major daily papers, including the *Times*. The Ford Founda-

tion, on Friendly's recommendation, made no grant at all to the embryonic National News Council (NNC).

The Ford "No" was almost a knockout punch. The blow fell squarely on the principal promoter of the council, Murray J. Rossant, director of The Twentieth Century Fund and, ironically, a former editorial writer for the *Times*. Because a Fund-supported task force recommended formation of the council in the first place, Rossant had of necessity become the chief fund raiser. He had been counting heavily on a Ford gift to legitimize the council and persuade other foundations to contribute about \$2 million for a five-year trial period. (The Twentieth Century Fund itself does not ordinarily make such grants.) He contacted more than 200 foundations and wealthy individuals in late 1972 and early 1973, but only seven would make even small grants. The lone substantial gift came from the John and Mary Markle Foundation—\$100,000 a year for three years. In the end, a similar gift from the Twentieth Century Fund, made at Rossant's urging, launched the council for a three-year experiment.

On Aug. 1 of this year, the money runs out. In all, some \$750,000 will have been spent. Unless the council can raise that much or more in the next few months—and both Rossant and the council's executive director, William B. Arthur, seem to have little stomach for the task—it will dissolve and sink into the obscurity of journalism textbooks. Its three-year record is not likely to dazzle the already skeptical foundation community, which is as much interested in good publicity as good works. The likelihood of raising the money from the media themselves (which is how the British Press Council is financed) is nil.

The council has been totally unsuccessful in its continual effort to achieve rapprochement with the *Times*. While the council has friends at the paper in John Oakes and A.H. Raskin of the editorial board, publisher Arthur Ochs Sulzberger and Rosenthal still oppose it. Council activities receive scant coverage in the *Times*. With some exceptions, much of the rest of the journalistic community also remains opposed.

As a result, the council has labored invisibly in its New York offices opposite Lincoln Center. Only a handful of private citizens have ever heard of it, or used its services. Even media people are ignorant of its work. "Except for Abe Rosenthal, I never mention the news council to anybody who knows what it is," says Joan Ganz Cooney, president of Children's Television Workshop, producer of "Sesame Street." Cooney, the most realistic member of the council, admits that "nobody knows about us. We're kidding ourselves if we think anybody does."

While it would be easy to cast Rosenthal or Friendly or the uncooperative media as the heavies if the council folds, it would not be entirely ac-



Martin Avillez

## 'There Are No Rules'

One day in 1972, I was sittin' in my office clippin' my split ends when the phone rang.

"Hullo, Miss Ivins!" said this impossibly cultivated Eastern voice. "This is Murray Rossant of The Twentieth Century Fund. I am pleased to inform you that you have been *unanimously* selected to serve on the National News Council."

Told him he had the wrong number and hung up. When he called back I asked him what The Twentieth Century Fund was and then what the National News Council was. He explained, and a worse idea I thought I'd never heard. At the time, Spiro Agnew was choppin' in tall cotton, the press was everybody's semi-favorite goat, and the White House Office of Telecommunications Policy was cracking down on television. Here was Nixon fixing to censor us so we were going cut him off at the pass by censoring ourselves first. Insanity. But Rossant urged me to think on it and gave me two weeks to decide.

I consulted my assorted journalistic gurus, David Halberstam and Broder, and my publisher, Ronnie Dugger, the world's most moral human being. The advice I got back was worthy of Lyndon Johnson: as long as there is to be such an animal, they said, better one of ours should be in on it. I also asked for the counsel of my all-time hero, Izzy Stone, who replied: "Don't do it. It's a bunch of bullshit." Alas, Stone was succinct but not prompt; his apostrophe arrived the day after I had accepted.

The first meeting of the Council was in some fancy hotel in D.C. I thought I'd wandered into a convention of former prime ministers of Great Britain by mistake. Three-piece suits, people with Phi Beta Kappa keys on their watch chains, not a soul there who wouldn't make Dean Acheson look like a yippie. Everyone was named Judge or Dean or Senator. It was awful.

I was there for two reasons, counselors aside. About eight years ago, when I was starting on *The Minneapolis Tribune*, I was twice accused of having deliberately slanted stories. In one case, the accusation had some merit—I didn't slant it but I hadn't gotten the whole story—and in the second case the accusation had no merit. I have always felt that the parties of the first case deserved some redress, some explanation or chance to get their side in. But in those days, the *Trib* had a horror of running corrections, never did it unless they had to, and I hadn't made any factual errors. In any event, there should have been some organization, some grievance committee, some impartial group of folks to listen to both those cases. The parties of the first part did deserve to have their say-so, and my reputation is still suffering from a rumor that never had any foundation. There should have been a news council. (In fact, there now is: the Minnesota Press Council has been in business for four or five years and last I heard was doing well.)

So there I was, the resident sweaty prole on the National News Council, and despite my vague hope that it might be the answer to cases like my Minnesota misadventures, I yielded to no one in my suspicion of the booger. But after three years of eternal vigilance—the price of freedom—I think it is safe to say that we can all relax. I'll go further and say that I am convinced that the National News Council is needed.

I think the first chink in my anti-Council armor was made by the ignorance of some of my fellow Councillors, the so-called "public members." They are intelligent men and women (they even turned out to have senses of humor) distinguished in their various walks of life. Most of them are sophisticated people, accustomed to dealing with the media. Yet I was consistently startled at their naïveté about journalism. When

a complaint would come before the grievance committee, the public members would turn trustingly to the "press members" and inquire, "Now what is the rule in a case like this?"

"There are no rules," we replied with vague, exculpatory grins. "This, you see, is journalism. No rules."

"But surely. . . ."

"Nope. No rules."

So the members of the Council have wrestled and sweated and circumlocuted and pontificated at one another to a damn-all, and they are now more leery of setting hard and fast rules than any journalists I know. Inaccuracy and unfairness are the only official ways to get into trouble with the Council, but unfairness is relative. "Robust opinion journalism" is O.K. in the Council's opinion. Propaganda is not. The council knoweth not where the line between them lies, not exactly, not precisely, it's not the same in each case they see.

The public members of the Council have come a long way, it seems to me. Ralph Otwell of the *Chicago Sun Times* has been as effective as any of us in getting our public members to understand the limits of the media—the degree of distortion, of simplification, of, woe betide us all, even inaccuracy and unfairness forced on us all by the limitations of time, of space, of money. The public members of the National News Council have walked many a mile in our moccasins since we began work three years ago. More miles than I ever expected them to; and, I suspect, more miles than they ever expected to. It is my hope and my expectation that the Council can educate the public as it has been educated itself.

For myself, I find the Council occasionally trying and over-cautious: but then, I was not designed to work in a committee. One of the touchiest subjects we ever handled was Richard Nixon's complaint that the media's coverage of Watergate was "vicious, hysterical, and distorted." We rather bent our own rules to take that one on (RMN did not bring a signed complaint before the Council, though his press people kept saying they would). After several months of frustrating effort trying to get the White House to follow through on the matter, the Council prepared to issue a bland statement concluding, as I recall, that the President's comments were "unfortunate."

"UNFORTUNATE!" I shrieked. "It's unfortunate if it rains on your damn picnic. It's more than unfortunate when the President of the United States issues a gross slander against the entire American press and then chickens out of backing it up in any way." I am not one of the calmer debaters on the Council. After interminable wrangling, we compromised, and came out with something to the effect that the President's remarks could have a "seriously deleterious" effect. Cooler heads prevail all too often on the Council.

I am not infrequently startled by the concern of my more judicious colleagues for the Council's reputation. "Why don't we just say that Richard Nixon is a lying asshole?" I am wont to propose. Outvoted again. Bill Rusher disagrees, Joan Cooney thinks it would look bad and Irving Dilliard offers a more felicitous turn of phrase.

It took me a long time to get over feeling that it is somehow presumptuous of the Council to set itself up as some sort of arbiter of the press. I once asked Judge Roger Traynor, the Council's first chairman, "Really, who the hell are we to judge the press?" Traynor, whose perspective encompasses the entire sweep of Anglo-Saxon legal history, replied gently, "My dear, who do you think started any institution? If it is needed and proves effective, it will be accepted."

—MOLLY IVINS

Molly Ivins is co-editor of *The Texas Observer*.

curate. A strong element of suicide exists in the plot. While Rossant and The Twentieth Century Fund should be applauded for their pluck in forming the council in the face of strong media opposition, serious mistakes were made at the very outset in the selection of council members and the drafting of by-laws. These mistakes have severely limited both the visibility and the flexibility of the council.

Rossant and his task force recognized that to gain grudging press coverage and favorable public attention for council activities it would be necessary to populate the council with superstars. This was particularly true for the position of chairman. In 1964, to begin its second decade, the British Press Council, after which the NNC is modeled, named Lord Devlin its chairman. Devlin was a jurist of enormous popularity and prestige who had headed many Royal Commissions, had been a High Court judge and was viewed by journalists as a friend of the press. Paul Eddy, a reporter for the *Sunday Times of London*, calls Devlin "our version of your Justice Douglas." Devlin is credited with leading the BPC to great respectability among all groups. Rossant could not attract an American equivalent.

The first chairman was Roger Traynor, former chief justice of the California Supreme Court. Traynor left the post less than a year after he took it to accept a chair in legal science at Cambridge University. He was replaced by the former chief judge of the New York State Court of Appeals, Stanley H. Fuld. While Fuld is respected in legal circles, he is unknown outside New York (and even to most people inside New York) and thus has no public relations value. He has not been active in proselytizing for the council, and his commitment to it is suspect. He gives little time to the staff, and his second-marriage honeymoon coincided with the council's annual meeting this past January.

Council observers say he is ineffective at chairing meetings, with only an ordinary grasp of press problems. He is 72 years old, with many other activities that may be closer to his professional interests. Inexplicably, when Fuld came up for reelection in January, only Joan Cooney raised the subject of Fuld's contribution. The other members chose to avoid the embarrassing matter, and Fuld was reelected.

**R**ossant did woo genuine superstars for the 14 other council seats, but most of his first-team selections turned him down. Among those who refused to serve, or who failed even to answer the council's invitation, were Lady Bird Johnson; Arthur Goldberg; former Kentucky Senator John Sherman Cooper; journalists Elizabeth Drew and Sylvia Porter; former FCC chairman Newton Minow; Judge Henry Friendly; Rev. Theodore Hesburgh, president of Notre Dame; former Commerce Secretary Peter Peterson; banker John Bunting; Harvard political science professor and author Doris Kearns; and Aileen Hernandez, former president of NOW.

Filling the seats was made even more difficult by geographic, racial and sex demands, as Rossant strove for some sort of balance. Yet it is hard to understand how some of the above were sought, while others of seemingly equal stature were proposed by the staff but vetoed by Rossant or task force members. For example, Gloria Steinem was put down as "a bad joke." Columnist Harriet van Horne had "turned into a prune." James Aronson, longtime editor of the *National Guardian* and a professor of journalism at NYU and Hunter, was dismissed as "a flack for NYU." Lou Palmer, a black columnist who once wrote for the *Chicago Daily News*, was not fit because his appointment might antagonize the Chicago newspaper establishment. Ben Bagdikian and William L. Rivers were eliminated because their credentials as press critics were too well known. Others vetoed were I.F. Stone, Coretta Scott King, Clare Booth Luce, and San Francisco journalist Mel Wax.

Despite the enigmatic selection procedure, Rossant did corral a council of some talent, even if none of them is likely to be besieged by autograph

seekers. Of the 15 council members,\* nine (including Fuld) were to be "public" members, with the other six representing the media. A majority of public members would prove the council was not a media whitewash and build public confidence in the organization.

It has not worked out that way. The council is thoroughly dominated by its media members. The public members are not well-known and participate little in council deliberations. In addition, two of the nine so-called public members are really media people by any definition: Cooney and Irving Dilliard, former editor of the editorial page of the *St. Louis Post-Dispatch* and Princeton writing instructor.

Of the seven remaining public members (including Fuld), only Robert McKay, former dean of the law school at NYU, is a valuable contributor. The others either say little (such as Wisconsin businessman William Brady, feminist attorney Sylvia Roberts, and black activist James M. Lawson), or simply don't come to the meetings. Former Oregon congresswoman Edith Green has missed the last two meetings. (She was a replacement for former Tennessee Senator Albert Gore, who attended the first few meetings and then called it quits; after missing several meetings he dropped out by mutual agreement.) Dorothy R. Height, president of the National Council of Negro Women, also missed the last two meetings and made a token appearance at a third to avoid removal for missing three in a row. Yet Height was elected to a new three-year term in January. One source close to the council noted that it would not be good public relations to remove the only black woman, even if she was far down the original list of candidates, and even if she contributes nothing.

What enthusiasm there is for council activities comes from five of the media members and a dedicated staff of six, which investigates complaints and prepares the decisions. Those members, who do their homework and lead the debates, are (first and foremost) William A. Rusher, publisher of the *National Review*; Loren Ghiglione, publisher of the Southbridge (Mass.) *Evening News*; Ralph Otwell, managing editor of the *Chicago Sun-Times*; R. Peter Straus, president of Straus Communications and WMCA in New York, and Cooney.

**C**ouncil activities are clearly far down the list of priorities for most of the members. Only nine of the 15 attended the first day of the January meeting, with 10 on hand for part of the second day. Only 10 attended the November meeting held in Racine, Wisc. Some of the members seem not to have read the cases in advance or thought about the ethical and legal issues to be argued. Without the forensic thrust provided by Rusher, Straus, McKay and staffers Ned Schnurman (associate director) and Sally Stevens (counsel), the meetings would probably collapse. As the afternoons wear on, members slip away to catch planes or nervously eye their watches and fidget as bad weather threatens to delay departures.

Since the NNC has been unable to trade on the star status of its members, it must establish credibility through its handling of complaints. The record, however, suggests why council members may feel (and act) as if they were involved in an unimportant charade. In its first 30 months (through January 1976), the council received between 350 and 400 complaints from the public;

\*Council members are: William H. Brady, Jr., a Milwaukee businessman; Joan Ganz Cooney, president of Children's Television Workshop; Irving Dilliard, former editorial page editor of the *St. Louis Post-Dispatch*; Stanley H. Fuld, former chief judge of the Court of Appeals of the State of New York; Loren F. Ghiglione, editor of the Southbridge (Mass.) *Evening News*; Edith Green, former congresswoman from Oregon; Dorothy R. Height, president of the National Council of Negro Women; Molly Ivins, co-editor of the *Texas Observer*; James M. Lawson, Jr., a Los Angeles pastor and civil rights leader; Robert B. McKay, former dean of New York University Law School; Ralph M. Otwell, managing editor of the *Chicago Sun-Times*; Ralph Renick, vice president and news director of WTVJ in Miami; Sylvia Roberts, Baton Rouge attorney and NOW executive; William A. Rusher, publisher of the *National Review*; and R. Peter Straus, president of WMCA in New York.



Murray J. Rossant, prime mover behind the creation of the National News Council.

just 73 had enough substance to merit deliberation and a printed decision by the council. And only seven of the 73 have been decided against the media (page 12). The small number of complaints illustrates how little public awareness there is of the council. As Rusher said in January, the NNC has become hostage to people "who come out of their trees" to complain about something they think they heard, or their mothers-in-law think they heard, on television.

Most letters reflect the public's ignorance of media procedures or the pet ideological peeves of the complainants. An Iowa woman felt that NBC was not giving former Vice President Agnew a fair shake in reports on his new lifestyle as an entrepreneur and author. A Kentucky woman charged that CBS was slanting the news against President Nixon in comments Dan Rather made after the controversial Middle East military alert of October 1973. Both complaints were found to be unwarranted and dismissed in brief opinions.

The following complaints arrived during a typical two-week period in October 1975:

- The Bowhunting Council of Oklahoma asked for an investigation of the CBS special, "The Guns of Autumn," because of its anti-hunting bias.

- A Delaware complainant, who writes often, objected to NBC substituting the word "guerrillas" for "murderers" in characterizing the Basques executed in Spain by the Franco government.

- The same Delaware man objected to Dan Rather's use of the word "alleged" before "terrorists" in discussing the same executions. The public might have concluded the Basques were not terrorists, he feared, and that would make Franco a murderer.

- A physicians group in Pennsylvania objected to a favorable article in the *Chicago Sun-Times* on chiropractic medicine.

- A Maryland man wanted the council to examine the "civil effects" of news; that is, how news affects citizens in their relationships with each other and the government.

Complaints like this make it difficult for the council to build a record of important decisions or crash the front pages so that its activities might become better known.

In addition, the council's own rules have kept it from investigating many significant cases. In focusing only on the performance of the national media, it is examining the cream of American journalism. Shortcomings at the local level are often much worse. The council has also required a waiver from complainants stipulating they will not take their case before the FCC or the courts. Without the waiver, the council feared being used as a tool in a legal proceeding. But the waiver eliminated many of the best cases from the NNC's purview. (The rule was modified in January to permit the council to take such cases as it sees fit.)

Finally, and perhaps most disruptive to the council's work, is its unwillingness to initiate or

solicit complaints on its own motion in areas of obvious public concern about the press. Whether or not it should adopt a more activist stance is a matter of intense debate within the council. The conservative wing, including Dilliard, Brady, Straus and Arthur, oppose it as "ambulance chasing," which would make it even harder to win over media support for the council's activities. Others, particularly Cooney and staffers Schnurman and Stevens, recognize that the council will die unless it addresses important press issues, and it cannot sit by waiting for them to drift in over the transom.

The British Press Council has always set its own agenda, with or without specific complaints. NNC's Executive Director Arthur has the authority to do this, which he used in the *Princess Grace-National Star* case recounted on page 12. But it is one thing to pursue *The National Star* and another to chase after *The Washington Post*. Schnurman, however, would like to do just that by investigating the *Post's* controversial story of Jan. 11, 1976, that placed a number of prominent banks on the "problem" list of the comptroller. Cooney recognizes that the council needs the publicity this would generate. "I can't imagine anything more terrific," she says, "than getting into a running feud with *The Washington Post*." But Arthur is not eager for the fray.

## S

ubjects a bolder council could examine are the questionable taste in interviewing victims in television's coverage of the Eastern Airlines crash at Kennedy airport last June; the propriety of reporting on the sexual lives of politicians; the quality of coverage of political campaigns; gag rules on the press to limit the problems of conducting a fair trial; and the conduct of *The Washington Post's* management in the pressmen's strike. The council is looking into none of these.

Whatever the council's accomplishments or lack of them, does it have a legitimate place in a libertarian system at all? Critics have raised various philosophical objections.

*What is the potential value, if any, of such a council to the press?* Fear that the Nixon administration was working to curtail press freedom and undermine press credibility led The Twentieth Century Fund task force members to recommend the council. They hoped it would act as a forum to defuse grievances against the press from a supposedly disgruntled public, and that it would shield the press (through the weight of its all-star membership) from assaults by the Nixon Administration. Critics reply that the public has plenty of access to the press already and few significant gripes (which may account for the small number of complaints received). The First Amendment is enough of a buffer between the press and government. Further, the heavy-handed atypical tactics of the Nixon Administration have passed into history, without permanently damaging the press, and the council had little to do with it.

*Could the council become a threat to the press?* Critics have felt from the start that the council is a front for outsiders who wish to exercise some authority over the press. The usual "us/them" square-off pits selected journalists and journalism professors, the Aspen Program on Communications and Society ["Douglass Cater's Secret Mission"—June 1975], and certain foundations (principally Markle, which funds both the NNC and Aspen), against the working press in a struggle for control. Rosenthal's mistrust of voluntary cooperation with institutionalized press critics was thrown into sharp relief recently by Supreme Court Justice Harry A. Blackmun. Blackmun suggested in the Nebraska gag rule case that, on occasion, some of the voluntary guidelines drawn up by the press and bar to tone down coverage of sensational trials could be made mandatory in an appropriate restrictive order. Is it not possible, say critics, that the council's decisions might be used by the judiciary against the press?

Similarly, what is to stop the judiciary from considering press council decisions in libel suits or FCC proceedings? Or from subpoenaing informa-

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tion turned over to the council by cooperative media? The fewer people making rules for the press, say opponents, the better. They note that the British press really had little choice in embracing the BPC, given the recommendation of a Royal Commission on the Press and a realistic threat of government sanctions if the press did not move toward stronger self-regulation. Similar pressure has never been exerted in the United States.

Naturally there is more than a little paranoia in these fears, since both groups really want a press which is both free and of high quality. The council is not dominated by outsiders bent on controlling the media, but rather by media people. The few anti-press decisions it has made support this view. The most outside of outsiders is Milwaukee businessman William H. Brady, Jr., who

describes himself as "man of the right." Yet Brady says, "If I thought this council was a vehicle for regulation of the press, I would have absolutely no part in it. I would resign with vehemence and buy ads to tell everyone why." Nevertheless the council is viewed as a non-press group, and the fears remain.

*Can even an ideal council improve the performance of the press?* British journalist Paul Edy says the BPC has made a definite contribution in reducing sensationalism and invasions of privacy which were common in the British press. The BPC, says another supporter, has "put a snaffle on the untamed and spirited creature." The NNC has also produced some good works. It has commissioned a study on access to the press from Columbia University law professor Benno Schmidt. It has issued

ethical guidelines on checkbook journalism and disclosure of outside interests by columnists, when those interests affect their work. It has lobbied against the fairness doctrine as an unfair restraint on the freedom of the broadcast media. It has opened up the marketplace for replies to one-sided articles. The Copley News Service, for example, has twice responded to NNC investigations by offering to print rejoinders to stories which generated complaints. But the council is afraid to do much more because of the tightrope it is walking. It considers every action according to how the media will react. It is in a state of willful paralysis. Even if the council steps out more smartly, it is not likely it can ever become the force for change in the media that new ownership or the law have been.

*Are the transgressions of the press serious enough to warrant such a council?* "The real credibility problem in this country," Rosenthal wrote to Friendly, "lies with the fact that the government, the military and other official institutions have not told the truth to people. It has been the press, despite its shortcomings, that time and time again, and despite the government, revealed the truth." Even if Rosenthal is right, polls still show an alarming lack of faith in the press by the general public. As the Watergate halo fades, the criticism will mount once again. Within the past month, such respected journalists as Nat Hentoff and Richard Reeves have been questioning the propriety of press coverage of President Kennedy's sex life and what they see as a possible trend toward yellowness in the press. Criticism of the media, right or wrong, will not go away. Is the NNC the right forum in which to deal with it? If so, should it stick to ethical issues, or branch out into economic issues such as labor relations and media monopoly?

Inevitably the marketplace will decide the fate of the news council. Fred Friendly is still opposed to the council and says Ford will fund only local or regional councils which have the support of both the press and civic groups. A source at The Twentieth Century Fund says a second Ford "No" could be "fatal" to the council. He made it clear that the Fund will "not carry the ball" for another three years. Lloyd Morrisett at Markle is also non-committal. An evaluation of the council's work by outsiders, paid for by The Twentieth Century Fund and released on Feb. 24, provided only a lukewarm endorsement. Thus the fundraising task seems an almost impossible one.

The truth is that the press and public in the United States are not ready for a press council, and one cannot be imposed with success. Given the present tensions, it is unworkable. Council members fear that the NNC can't survive if it gets too tough with the media, yet it won't survive if it doesn't. Even though Rosenthal's dire predictions have not materialized, the council has yet to make a strong case in its own behalf. It appears it may not get another chance.

## Seven Against The Media

*Following are descriptions of the seven cases in which the National News Council found against the media.*

*Rossman against NBC-TV* (filed Feb. 19, 1974). In its "Evening News," NBC incorrectly reported that "thousands of federal workers in the Huntsville area were given the day off to greet President Nixon . . ." when in fact they were off because the day was a federal holiday—Washington's Birthday. The council faulted NBC for not correcting this mistake after it had been called to its attention. Three weeks after the council's decision, NBC finally did correct the error in a brief statement in the "Editor's Notebook" portion of the "Evening News."

*Accuracy in Media, ex rel. Lang against The New York Times* (filed March 3, 1974). The council found fault with the way in which the *Times* reported results of a National Academy of Sciences study on the effects of herbicidal spraying in South Vietnam. The *Times*' first article by John Finney, which received major play, came from a prepublication leak by minority members of the study committee, who felt that the spraying had minimal environmental effects. According to Dr. Anton Lang, the article was "slanted," "contained outright errors," and "disregarded important constructive aspects of the report." Dr. Lang is a member of the Academy and chairman of the study group. When the full report was issued, the *Times* failed to report the differences between the majority and minority positions, and the newspaper refused to publish letters-to-the-editor from Dr. Lang which would have set the record straight. The Council found that the *Times* was "remissive in not calling to the attention of its readers the information in the full report and the complaint of Dr. Lang." The *Times* did not cooperate in the council's investigation, did not print the council's censure, and did not provide additional coverage of the Academy report.

*Bergman against Knight News Service* (filed May 20, 1974). The council found that an article on Sudden Infant Death Syndrome, moved by the Knight News Service, made "research studies (on causes and cures) appear more conclusive than they actually were." Editing of the story left the impression that a cure for the syndrome was much more likely than the research indicated. The council suggested that great care be taken in the presentation of the results of medical research. Knight reported the council's finding but did not correct the story.

*Accuracy in Media against Jack Anderson* (filed Sept. 7, 1974). The council found that in a column on a State Department-run school to train foreign policemen, Jack Anderson had relied on documents nearly a decade old and had taken statements from these documents out of context. Anderson misrepresented the information in the

documents and left the impression with readers that his information was of recent vintage. The columnist was attempting to argue that the State Department was in part responsible for torture tactics abroad. Anderson denounced the council and its finding in a subsequent column.

*Haydon against NBC-TV* (filed Nov. 11, 1974). The council found serious distortions and misrepresentations of fact in an NBC-TV "Weekend" report on conditions in American Samoa. After a public hearing at which numerous experts on American Samoa testified, the council agreed with the former governor of American Samoa, John Haydon, that given the length of time the NBC researchers spent on the island, they must have known certain facts about the political and economic climate which were distorted in the filmed report. Such errors, the council decided, were not within acceptable bounds of good journalism or robust debate on public issues. NBC declined to participate in the public hearing or cooperate with the council's investigation, nor did it return to the Samoa story.

*Frank against St. Louis Globe-Democrat/Newhouse News Service* (filed Dec. 20, 1974). The council criticized an investigative series in the *Globe-Democrat* on the alleged criminal mismanagement of a St. Louis housing project. The series, said the council, relied too heavily on anonymous sources and was filled with "out-of-context statements," "oft-repeated half-truths and inferences," and the like. The council found a basic lack of fairness in the series and agreed that complainant Frank's story had not been properly told. The *Globe-Democrat* refused to cooperate in the investigation, although it did print the council's finding. The story is still a live one in St. Louis, and one of the reporters, who is no longer with the paper, has asked the council to reconsider its decision.

*Consul of Monaco against National Star* (filed June 13, 1975). The council criticized the *National Star* (a weekly gossip and sensation sheet sold nationally in supermarkets and drugstores) for printing a baseless story that Princess Grace of Monaco and her husband were separating. The council found that even though the *Star* had not named a single source for the story, its editors refused to print, as a follow-up, letters and information from Princess Grace and her brother which contradicted the *Star's* report. The complaint was initiated by the council's executive director, William B. Arthur, a personal friend of the Prince and Princess from his journalistic days as editor of *Look*. He saw the story in the *Star* and, after checking it with friends, determined that it was not based on fact. He urged that the Consul of Monaco in New York, Francis Cresci, bring the complaint to the NNC. The *Star* did not cooperate in any manner and did not print the council's finding. It will no doubt return to the subject of Princess Grace.

—D.M.R.

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JANUARY 10, 1976



THEY MARVELLED at her style and eloquence as well as the dimensions of her thought, Indian scientists and their foreign guests alike. As a well known physicist who attended last week's Indian Science Congress at Visakhapatnam told me, the Congress was stunned at the spectacle of this small, frail but dauntless lady fighting an international conspiracy to unseat her, taking a holiday from politics to discuss problems of science and technology with scientist's confident expertise.

"We sat in wonderment to hear Indira Gandhi talk on a tight of the mind from the agnostic who helps to grow the ears of corn in place of ears, through the entire field of energy and metallurgy, to the most fanatic who celebrates the mystic of numbers and the genetic engineer with his futuristic potentials, to finally bring us down to the good earth and the imperative of expanding its rural wealth and resources, to pose the defiant challenge: HOW CAN WE SOLVE OUR BASIC PROBLEMS UNLESS OUR SCIENCE IS SELF-RELIANT? CAN A COUNTRY OF OUR SIZE REMAIN A TECHNOLOGICAL CLI-ENT?"

#### India's quarter century?

You, indeed, was a marvel, performance which only a woman with the highest proved an almost renaissance mind of the family could have performed. Indira inherits this faculty from her great father, and she

has carried Jawaharlal's almost religious faith in science a big leap forward to the Nuclear explosion of 1974 and the launching of the Aryabhata in 1975.

She was, therefore, entitled to discuss science or politics with equal authority, as she did in the Indian Science Congress as well as world science assembled at Visakhapatnam across the threshold of the New Year into the last quarter of the century.

My scientist friend was perhaps ravished by her eloquence when he prophesied that "this woman can make that quarter exceed India's own". Yet she can do it if she succeeds in transforming the Emergency into a Revolution. Even the Shah of Iran, a monarch who has been through a thousand crises not unlike hers, agrees with this view. He has transformed his country's trauma into a world revolution, with which he has ditto his achievement?

"It stands truly, if we like it or not, that international complicity with its last leaders, shattered idols, fractured ideologies and economic insolvency, we cannot but return home to appropriate the motto of Indira Gandhi's call to "hard work, clear vision, strict discipline and iron will."

#### Seeds of White Revolution

The bananas of Rs 1,450 crores of black money, valiantly disclosed at her bidding by probably the world's most ruthless and sordid operators have been the seeds of a bloody revolution. Its logical corollary would be the voluntary handing over to Gold the vast vast holdings of that precious metal lying buried in the bowels of the earth.

All such mobilisation of resources by persuasion, rather than coercion appears to be the new style of the party of government. And it has earned us our biggest national treasure—the 600-million-strong human power which can transform the Emergency into a clear-cut revolution, and surely leave the stamp of India's proud imprint upon the last quarter of the century.

All this and more puts Indira Gandhi in the vanguard of the world's leadership as the most dynamic leader of the third quarter of the century. For the same reason, as also the country, the year and the month hold another very special significance. The major completion of a whole decade, the most dramatic and traumatic as also the most remarkable in the history of India since Independence, of the Indira Gandhi regime.

The plain fact that we managed to survive a whole decade when the devil of death seemed to have enveloped us with his human prototypes to confuse, confound and dismantle the country and its people, is a remarkable tribute to the Chief Executive. And the miracle that at

the end of the decade we are in a position to look forward to an abundant harvest and a better life for the people with the necessary economic discipline enforced by the Emergency redounds to the credit and glory of a heroic people who have won with the correct leadership.

The aftermath of the Emergency is contemporary history which does not yet call for a verdict. But the record of its success in defeating the "total revolutionaries" was a foregone conclusion. Its positive achievement in the field of the 20-Point Socio-Economic Programme are a matter of controversy. In any case, the very fact of such a revolutionary programme like the Garibi Hatai project which preceded it, derives from the Prime Minister herself, has unleashed a

INDIA THANKS TO INDIRA GANDHI AND THE BLITZ, INDIA'S GREATEST WEEKLY, YOUR PAPER'S COLUMNS PROVIDE INSIGHT, CONSISTENT AND INVALUABLE TESTIMONY OF THIS HISTORICAL TRUTH FOR THOSE WHO DARE QUESTION OR CONFUSE IT.

#### Survival with Bonus

Any casual study of the record of the past 10 years would convince the most critical of the relevance of this remarkable record of our survival as a nation. One has only to remember the land shattered by a war that had ended in a draw, taking the life of its leader and premier to realize the stupendous, back-breaking burdens borne by the successor.

And the miracle that at

the end of the decade we are in a position to look forward to an abundant harvest and a better life for the people with the necessary economic discipline enforced by the Emergency redounds to the credit and glory of a heroic people who have won with the correct leadership.

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#### PAGE 6

The last three sections of this article have been reset in larger type in the column at right.

PAGE 6: BLITZ, JANUARY 10, 1976

# Her transcendental strength & courage

Continued from the Front Page

#### Courtesy, decency, discipline

High politics and economics apart, ordinary common folks are grateful to the Emergency and Indira Gandhi for a number of unexpected acts of discipline and deeds of courtesy and human decency.

Enough, however, these have been noticed and reported by a number of journalists, who admit in a special report to the Sunday Times (London, Dec. 20) that "nearly everywhere I went I found evidence to support her (the Prime Minister's) actions".

Trains, planes and buses now run on time. Low-salving people have no longer to fear violent mobs that, glancing aside, The Times can go to school and back in complete security. Women can walk home safely at night. Public servants from the bank clerk at the counter to government officers are more courteous and decent. The small crime rate has been reduced. Rackets like building construction and smuggling operations have almost stopped. The last seems evident.

At the same time, she warned: "We can and should insist on the spirit and procedures we have to give effect to the adopted objectives of the Constitution. Many of the provisions and procedures have in effect, worked against the Constitution and given enormous scope for small obstructive groups to create difficulties and bring the system to a standstill" (BLITZ, Aug. 23, 1975).

The Prime Minister, in an important interview, tentatively to a party statement, had already declared that "neither the spirit of our Constitution nor its characteristics can change. The importance of representative institutions or the place of Parliament cannot change either. Nor can there be any fundamental departure from the schools of Democracy, which are the foundations of our political system. We have to work against the Constitution and give enormous scope for small obstructive groups to create difficulties and bring the system to a standstill" (BLITZ, Aug. 23, 1975).

Another controversy, quite unheralded in our opinion, has been raised over the constitutional aspect of the Emergency. It has been reported that the Constitution might be changed for a Presidential system of Government, that Parliament may lose its autonomy in the process, and our multi-party system might be sacrificed.

#### Emergency & the Constitution

We are afraid these bores arise from the Opposition rather than from the Ruling Party. They certainly do not come from Indira Gandhi's mind and outside.

Confidence in him that "a lot of people around here believe Indira Gandhi is really descended from Gandhiji and Nehru—a sort of Goddess, you know!"

That is what the majority of our people, particularly the rural folk, believe. To them she is Durga, Shakti, Goddess. And the balance-sheet of her success in fighting the overwhelming odds that confronted her Government during the past decade is a record of national achievement.

Take, for example, the controversial Allahabad judgement. A less confident leader than she would have failed to interpret the command post to leave the country to chase down and arrest the most notorious of unpopular decision to constitute and face the consequences.

Self-transcendence through Yoga

What gives her this superhuman, almost transcendental, strength and courage, which she has known her over the past two decades, I believe that she has achieved self-transcendence through the psycho-physiological discipline of Yoga which she has been practicing since her youth.

I have had occasions to discuss this with Indira Gandhi. She has a clear knowledge of Kundalini-Yoga, which decrees that once a person awakes the dormant "Serpent-Power" lying coiled in sleep at the base of the spine, he or she evolves into transcendence, or a higher dimension of consciousness and blossoms into a genius, whereby the knower transcends the known.

## 'Sort of Goddess': London Times

The Times correspondent concludes by reporting, with some cynicism, a woman who confided in him that "a lot of people around here believe Indira Gandhi is really descended from Gandhiji and Nehru—a sort of Goddess, you know!"

This is what the majority of our people, particularly the untutored rural folks, believe. To them she is Durga, Shakti, Goddess. And the balance-sheet of her success in fighting the overwhelming odds that confronted her Government during the past decade would appear to justify such faith. Any other leader would have succumbed to these devils, but she tamed them and rode them to success.

### Self-transcendence through Yoga

What gives her this super-human, almost transcendental, strength and courage? As one who has known her over the past two decades, I believe that she has achieved self-transcendence through the psycho-physiological discipline of Yoga which she has been practicing since her youth.

This might sound poppycock and nonsense to those ignorant of India's ancient but forgotten science of Kundalini-Yoga, which decrees that once a person awakes the dormant "Serpent-Power" lying coiled in sleep at the base of the spine, he or she evolves into transcendence, or a higher dimension of consciousness, and blossoms into a genius, whereby the knower transcends the known.

I have had occasions to discuss this philosophy with Indira Gandhi. In fact, a revolutionary treatise on the subject by Pandit Gopi Krishna, the sage of Srinagar, which I left with her on one occasion, evoked so much interest that she found the time to read through it during her strenuous Gujarat election tour and write me a very encouraging reply within less than a week.

### Dimensions of her mind

Since then, I was happy to learn that the All-India Institute of Medical Science at New Delhi has launched a research project on Kundalini-Yoga.

I am revealing this unknown fact to indicate the vast dimensions of the mind of this prodigious lady to whom the gods have entrusted the destiny of India. According to Indian philosophy, the gods rest within us; it is for us to incarnate them. Can Indira Gandhi have incarnated at least some of them? I see no other explanation for the confident, if controversial, manner in which she had led the nation through a whole decade of dire and dark crisis.

## EVOLUTION, BLITZ AND KUNDALINI

Mr. R. K. Karanja plans to run a definitive series of articles on Kundalini in Blitz. The book he describes as "a revolutionary treatise on the subject" can be obtained by writing to Evolution, 10 East 39th Street, New York 10016.

# 'I Think, Therefore I Am'

**To many, *Le Monde* ranks among the best newspapers in the world. But, argues a longtime observer of the French scene, close inspection reveals it as one of the most intellectually crooked of major Western publications.**

BY JONATHAN C. RANDAL

Perhaps no newspaper enjoys such universal esteem as France's *Le Monde*, and perhaps nowhere is its reputation as high as in the United States. American journalists and press critics generally rank it among the two or three greatest newspapers in the world. Its carefully nuanced, analytical articles spread out column after column, the essay form free of the plodding backgrounding required by good American newspapers; the quintessential think pieces unencumbered by fact or legwork all exercise a powerful appeal on this side of the Atlantic.

Yet many who most admire *Le Monde* do not know the paper well. For reading it closely, as I have for many years now, leaves one with the in-

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escapable impression that *Le Monde* is one of the most intellectually crooked of major Western publications. Indeed, even many of its devoted readers have been known to wonder if *Le Monde*, since its inception in 1944, has not played the role of a Pied Piper of Hamelin of the French leadership class dedicated to bringing about a pro-Soviet Finlandization of Europe.

Certainly few journals anywhere have such utterly deceiving appearances. Its sober, oh-so-serious format, unrelieved by a single photograph, gives the paper the look of a slightly fusty but eminently meticulous and reliable academician. In fact, those gray columns are too often drenched in the most outrageously opinionated screeds, unsupported allegations and rampant biases. What so fascinates American journalists, forced to separate fact from comment, is really a dusted off version of that old school of French journalism, known since the nineteenth century as "journaux d'opinion." Faced with a paucity of news and sluggish communications, editors encouraged intellectuals and academicians to write anything they chose. Thus, what is today called news analysis is nothing new, but rather a regression, all the less excusable in an age of instant communications when hard legwork has come to be respected.

The upsurge of investigative reporting elsewhere—especially in Britain, with its *Sunday Times*, and the United States, before, during and after Watergate—has left *Le Monde* strangely unaffected. "Remember, they're *diplômés*—college graduates—at *Le Monde*, not reporters," observes one French journalist. One of *Le Monde*'s chief editors acknowledges the lack of investigative reporting. "We cannot get young journalists to cover the courts," he says. "They prefer documents to going out and seeing and talking to people. Our society rejects this kind of investigative reporting. I suppose it's because we do not have respect for our institutions or for the truth the way Anglo-Saxons do."

For *Le Monde*'s regular readers, its unrestrained opinionizing may not be so dangerous. Often, they have a built-in, self-correcting mechanism that unconsciously compensates for the paper's most egregious prejudices. But to the admirer abroad, the raw, uncorrected product can be lethal to balanced judgments. It is essential for them to understand *Le Monde*'s special little world, its very special readership and the supercharged bathwater in which they swim.

In the beginning—December 19, 1944—*Le Monde* was founded, with General Charles de Gaulle's express blessing, to provide liberated France with a serious newspaper of record and international audience, a kind of purified, renascent version of the pre-war *Le Temps*. Like many pre-war French publications, *Le Temps* was not permitted to resume publication after the liberation because of real and alleged crimes of collaboration with France's Nazi occupiers. But *Le Temps* was especially suspect since, in the 1930s, it had become the mouthpiece for the French steel trust, the big private banks and the foreign office. Its unfinest hour came during the Munich crisis of 1938 when it took a strong line for "peace in our time" and abandoning of Czechoslovakia to Hitler.

That sell-out prompted Hubert Beuve-Méry, a young professor at the French Institute in Prague, to resign his stringer's job with *Le Temps*. And, in turn, that decision—plus a distinguished record in the resistance—was to dictate de Gaulle's choice of Beuve-Méry as *directeur*, or overall boss, of *Le Monde*. During the 25 years he ran the paper, Beuve-Méry provided an odd combination of ideas similar to those which so baffled Americans during de Gaulle's return to power from 1958 to 1969.

Ironically, for a newspaper founded by a resistance hero with de Gaulle's support, *Le Monde* traces part of its intellectual heritage to the



Paul Richer

collaborators of Vichy France. At Uriage, in the Alps near Grenoble, Vichy set up a special leadership school to provide a new elite for a purified France, unsullied by the Republican decadence which was held responsible for the collapse of 1940. This preoccupation with cleansing France's past sins was to play an important role at *Le Monde*. A certain Social Catholic tradition, tinged with almost puritanical morality, was combined with a paternalistic sense of responsibility for the wretched of the earth. France was pictured as a humanistic nation with a sacred mission to defend the weak.

This nourished that brand of nationalist neutralism which became a trademark of both de Gaulle and *Le Monde*. The newspaper's abiding vision is of a neutralist Western Europe with left-wing parties in power. Although *Le Monde* strongly favors pluralistic societies, the message seeping out of its pages is that popular front governments are the wave of the future and that the Communists and the working class cannot be excluded from power forever. *Le Monde*'s job is to help prepare the way for the Left to come to power—and then to serve as a liberal Catholic gadfly within the new power elite—a kind of latter-day act of self-abnegation so dear to Jean-Paul Sartre and the Existentialists 30 years ago when there was little fire in Europe's ashes.

In the creed as preached at Uriage, the Soviet Union and the United States were seen as materialistic industrialized Goliaths intent on exploiting the poor and the weak of Africa, Asia and Latin America. The United States was considered particularly pernicious because of its allegedly corrupting influence on Europe, which had unjustly forfeited world leadership to a transatlantic mongrel race of Yahoos. If the United States—culturally, economically, politically and militarily—remains fair game for *Le Monde*, the same cannot be said for the Roman Catholic Church, the Soviet Union or the French Communist Party, whose excesses are pardoned most often by judicious silence. A veteran *Le Monde* staffer who, like most of his colleagues, preferred anonymity in discussing the newspaper, says: "We respect elementary prudence about the French Communists or the Soviet Union or the Third World—but there are no holds barred about the United States. It's the result of a 100-year-old tradition of Social Catholicism in Latin countries, plus Marxism."

**T**his is seen most clearly in the newspaper's coverage of the United States' role in Southeast Asia. Quite apart from a reluctance to call either the Khmer Rouge or the North Vietnamese and Vietcong anything but "revolutionaries" or "liberation forces," *Le Monde*'s correspondents betrayed their ideological preference so blatantly that even other French newspapers felt obliged to protest.

Consider Jacques Decornoy—a graduate of the most elitist of French elitist institutions, the National School of Administration, which serves as a springboard for ambitious, bright men bent as much on a career in politics as one in the top civil service. Decornoy never bothered to hide his antipathy for U.S. policy in Indochina, but his leftist Christian redemption fixation was shown to full effect during his reporting in April 1975 from the "liberated" area of South Vietnam. One of his colleagues at *Le Monde*, remarking on Decornoy's pleasure at the eradication of all things American, French or Western in the new Vietnam, said, "Jacques believes in the noble savage bit—Vietnam must be Vietnamese through harsh discipline and denial—he's an *illuminé* (religious ecstatic)."

Patrice de Beer, a young leftist who was sent to Phnom Penh in the dying weeks of Republican rule, began his dispatch on the fall of the Cambodian capital with an enthusiastic, "Finally, Phnom Penh is liberated!" When, along with his fellow journalists evacuated from Phnom Penh, de Beer published his full account of that odyssey upon their arrival in Thailand, his first dispatch

made no mention of the Khmer Rouge brutality in forcing some 25,000 sick and wounded to quit their hospital beds and take part in the mass forced exodus from the capital. A front-page editorial did ask why the Khmer Rouge forces were deporting some two million men, women and children from the capital, but in his long account de Beer preferred to turn a blind eye. In fact he remarked that the "relative ease with which a half thousand persons (or the French Embassy convoy) were able to find a corner of a mat to sleep on seems to indicate that it is possible temporarily to take care of a considerable number of refugees from the city."

Only the next day did de Beer get around to mentioning the hospital incident—and then not in his page-one or page-two stories, but only 800 words deep in another story on page three. Throughout that third dispatch, he sought to defend the strange Khmer Rouge behavior. "No one can yet allow himself to judge such a new experience," he wrote. "For the first time a revolutionary has radically questioned a society." Finally, he conceded, "among the events which we did not understand was the total evacuation of the hospitals." But even in questioning how many of these evacuees could survive the forced march from Phnom Penh, he could not resist asking "how many would have died in any case in their own rot?"

By contrast, Sydney Schanberg of *The New York Times* and Jon Swain of *The Sunday Times of London* managed to get right to the point. In the first paragraphs of his first dispatch, Schanberg mentioned a "mammoth and grueling exodus" from which "no one has been excluded—even the very old, the very young, the sick, the wounded" and said "some will clearly not be strong enough to survive."

The difficulty in sorting fact from opinion in the news columns is intensified by *Le Monde*'s propensity for salting outside contributors' work throughout the paper, with only the most recondite of identification. (Many are from the left, but the orthodox veteran Gaullists—such as former prime ministers Michel Debré and Maurice Couve de Murville—are allowed column upon column with surprising frequency in light of their lack of political punch these days. So, too, is Michel Jobert, the feisty, pint-sized foreign minister in President Georges Pompidou's dying days, who exploited his press connections to launch a meteoric political career which has since fizzled.)

The week Saigon fell last spring, *Le Monde* saw fit to publish a long piece starting on page one by André Piettre, entitled "Imperialism and Culture." A small asterisk next to his name identified Piettre as a law professor and member of the prestigious French Institute, but the casual reader could be pardoned for missing the only tipoff that he was not a *Le Monde* staffer.

The author blamed the United States for every imaginable form of imperialism, including the psychological variety which was apparently of his own invention. He held America to account for producing "perhaps for the first time in world history a civilization without culture." What Piettre saw he didn't like—chewing gum, "puerile" westerns, advertising, "the sovereign people," the "cult of pragmatism which joyfully sacrifices the esthetic to the practical," "new people who have not acquired the patina of centuries." Before Piettre ran out of breath, Dr. Spock, hippies, drugies, gangsters, strip tease, sex shops, kidnapping of children were all laid at America's door and, in an ecstasy of indignation, he charged that the cult of blue jeans (denim is originally a French material) "announced the decline and fall of morals."

When questioned about this curious excess, Jacques Fauvet, *Le Monde*'s current *directeur*, expressed mild surprise. Leafing through the French Who's Who, Fauvet noted that Piettre was a rightwinger, father of seven children, an economist and active in the Catholic resistance to Vatican reforms that insist the mass be said in the vernacular. Had he been a leftist, Fauvet might have hesitated. In any case, he added, less than a half

dozen readers had complained about the piece (although as many American correspondents based in Paris had telephoned various *Le Monde* staffers to express their dismay).

Was not the Piettre piece a case in point for clearly publishing outside contributions on an op-ed page? Fauvet, a precise little man in a black suit, *Legion d'Honneur* in his buttonhole, and lace-up shoes, surveyed his enormous second floor office from the fortress of his large desk. "No," he replied. "We organize *Le Monde* by country and subject."

Indeed, *Le Monde* is obsessed with categories and specialties. After the front page, the newspaper is laid out page by page almost like an American newsmagazine: first by areas—Europe, Near East, Asia, Africa, the Americas; then by subjects, Diplomacy, Politics, Defense, Culture, Sciences, Education, Finance. Moreover, *Le Monde* now publishes a daily supplement of 8 to 12 pages, dealing with Economics on Mondays, Science and Technology on Tuesdays, Books on Wednesdays, Leisure and Tourism on Thursdays, the Arts on Fridays and an essay plus radio and television on Saturdays.

Before he retired in 1969, Beauv-Méry fought a losing battle against the daily supplement. He wanted a one-shot weekend supplement, something akin to the London Sunday papers. But he lost out to Fauvet and *Le Monde*'s business side, eager to take advantage of the clamor for advertising space (*Le Monde* devotes roughly 30 per cent of its space to advertising compared to twice that in most American papers). Beauv-Méry—who is now director emeritus and maintains an office in the newspaper's Second Empire building on Rue des Italiens—says a surprising number of readers agreed with him. Although *Le Monde* is still smaller than many major American papers—it runs to a maximum of 48 pages—many Frenchmen complain that it is a "daily encyclopedia."

In fact, it may be one of the world's great unread papers. Its unreadability is a matter of style as well as bulk. Although much progress has been made under Fauvet, his injunctions in favor of short, snappy sentences still tend to be largely disregarded in a language that has never favored the direct discipline of a lead. Sentences run on for whole paragraphs, and although literary allusions are less frequent, the style can seem decidedly Proustian in its complexity.

Despite this—or perhaps precisely because of the panache which attaches to such pretensions—*Le Monde* has succeeded in building up the most prosperous, educated and influential readership in France, with all the happy advertising dividends such readership provides. Indeed, *Le Monde* has become something of an addiction for the leadership class—the politicians, top civil servants, businessmen, university students and professors who make up its expanding following.

Products of one of the most rigid and demanding educational systems in the world, these members of the French elite appreciate the various trappings of *Le Monde*—the documents it runs on a scale unrivaled even by *The New York Times*, full parliamentary debates, thumbnail sketches of the major world leaders, endless interviews with (often minor) world leaders, careful attention to administrative postings (from new ambassadors to changes in the ministerial cabinet staffs peopled by their own kind). For the manager, the addiction may take the form of the special advertising section dealing with executive job possibilities. In the hard charging and long daily grind of a top French civil servant or businessman, the appearance of *Le Monde* after his long lunch may mark the beginning of the second half of his working day.

Given its concentration of readership in the ruling elites of France, it is not surprising that *Le Monde* has often taken on the role of the unofficial foreign ministry spokesman, the very failing that prompted Beauv-Méry's principled resignation from *Le Temps* over the Munich crisis. Veteran *Le* (continued on page 18)

Good evening, I'm Chevy Chase and you're not.

Our top story tonight: While campaigning for the upcoming primaries in New Hampshire, President Ford kissed a snowball and threw a baby. Fortunately, the baby was not injured, but it took a White House surgical team five hours to remove the snowball from the President's mouth.

The snowball (nicknamed "Snowball" by Ford) will be preserved at the Smithsonian Institution in the newly created Gerald Ford Wing. The wing already houses such relics as 15 shattered skis, 6 dented airplane doors, one dented helicopter door, 450 cranial x-rays, and former C.I.A. Director William Colby.

Well, it's Valentine's Day of course. President Ford celebrated at the White House with the first family by trimming the tree, hunting for eggs, and vetoing a 6.1 billion dollar public works employment bill, calling it, quote: "an election year pork barrel," to the confusion of everyone.

Along with millions of other Americans, President Ford watched the Olympics last night, and saw Dorothy Hamill win a gold medal as she leaped into a delayed axel, a walleye jump into a double axel, a double-toe loop, a camel spin, a double-lutz into a back spiral, a double axel, a double salchow, a split, a double-toe loop and a butterfly, a layback spin, delayed double salchow, a Bauer spiral into a double-lutz, a walleye, a split, and a camel spin into a sit-spin with a spin coming out. The President was heard to comment, "Big deal. I did that getting out of my car this morning."

The President, reviewing his December visit to Peking, says he isn't sure he ever met China's new Premier Hua Kuo-feng. However, in the spirit of Washington's Birthday, Ford said he looks forward to another visit to the east, and that the U.S. formally forgives the Chinese for Pearl Harbor. And in Peking, Hua Kuo-feng is quoted as saying he isn't sure he ever met Gerald Ford, adding, "All those Presidents look alike to me."

Always controversial, always candid, always innovative, First Lady Betty Ford has revealed that she has discovered a new fool-proof method of birth control. Before going to bed at night, she gives the President a stick of chewing gum.

Still to come: Brooklyn fireman elopes with dog, after this filmed message.

Secretary of State Henry Kissinger, en route to Moscow, will stop at the Miami Super Bowl and attempt to negotiate a settlement between the Dallas Cowboys and the Pittsburgh Steelers in hopes of avoiding a scheduled conflict tomorrow. On the way back from Moscow, Kissinger will see King Juan Carlos of Spain, and also visit Francisco Franco, who is still seriously dead.

Another note on the Superbowl. President Ford expressed regret that he won't be able to join Mr. Kissinger in Miami tomorrow, saying that he is flying to Boston for the first game of the World Series.

In reviewing Update for the past twelve editions, we find we have been unreasonably unfair to Gerald R. Ford. Beginning tonight, Weekend Update declare a moratorium on stories which might be interpreted as accusing the President of stupidity and clumsiness. In the future, we shall treat the office of President with the respect it deserves, and eliminate all questionable references to our Chief Executive.

DATELINE WASHINGTON: This morning an unidentified man fell out of a second story window of the White House, landing head first in the Rose Garden. Whoever it was somersaulted to a waiting helicopter, bumped his head on the rotor blade, and was carried into the craft by Secret Service Agents, then took off for Andrews Air Force Base for the first leg of a trip to Vail, Colorado.

In other political news: This week, the F.D.A. banned Red Dye #2, saying the red coloring agent is suspected of having cancer-causing qualities. Coincidentally, it was reported this week that Ronald Reagan revealed he was undergoing treatment for cancer of the hair.

After the treatment, Reagan met at a reception with the three most popular conservative party majors, to discuss burning the edges of government documents brown to make them look old and neat, and the potential use of the musket in CIA financed foreign wars.

Ronald Reagan stated today that he has been wrongfully maligned by the press, and the subject of libelous ridicule and gratuitous disrespect by television newsmen. The washed-up 65-year-old ex-actor who looks almost too pretty for a man his age, and who was bland, at best, in some of the most violent, sexist movies ever made, complained of unfair treatment at a news conference, in which our sources report him as saying "T.V. newsmen in particular make me out to be simply ignorant in foreign affairs and fiscal matters, and a fatuous cowpoke as a public leader."

The silly ex-governor left the news conference early to get fitted for spurs and have his hair polyurethaned.

Following recent disclosures that Senator Edward M. Kennedy has promised his mother, Mrs. Rose Kennedy, that he will not run for the

Presidency in her life time, Democratic hopefuls Birch Bayh, Hubert Humphrey, Henry Jackson, and ex-Governor Jimmy Carter have also telephoned Mrs. Kennedy and promised her the same thing. Humphrey aides say they believe it to be a wise political move.

Meanwhile, Sargent Shriver, stressing his close association with the Kennedy clan, and his affinity for the Truman straightforwardness, has written his own campaign slogan; quote: "The duck stops here." Asked if his plans would affect a Kennedy draft, Shriver commented, "I do not believe Ted Kennedy will throw his hat into the water this election year."

A recent Harris Poll shows that by a margin of 44% to 46%, Republican voters would prefer a president who puts shampoo in his coffee to one who puts Red Dye #2 in his hair.

David and Julie Eisenhower openly discuss David's sexual fantasies, after this message.

And now, here is the news on the foreign front. Henry Kissinger was fitted with new eyeglasses today. This followed in the wake of the embarrassing incident which took place earlier this week, when Kissinger accidentally sold firearms to his wife, Nancy, and danced with Israeli Prime Minister Yitzhak Rabin till the wee hours of the morning.

It never occurred to us that Henry Kissinger, lacking proper eyeglasses, might have mistakenly sold arms to his wife, Nancy. But the report sounded altogether plausible when we heard it recently on "Weekend Update," the program of incisive news analysis broadcast three times each month on NBC's *Saturday Night*. Nor did we ever imagine that anyone could make network news much funnier than it actually is. But "Weekend Update's" impish anchorman, Chevy Chase, appears to have accomplished that feat, as we hope the accompanying bulletins demonstrate.

They are excerpted from five recent "Weekend Update" scripts, written just before air time (11:30 P.M., E.S.T.) by the 32-year-old Chase, with an occasional assist from *Saturday Night* writers Herb Sargent and Alan Zweibel. Chase arrived at NBC via *Mad magazine*, the *National Lampoon* and the *Lemmings*. He joined *Saturday Night* last fall as a writer, but he wanted to perform, too.



CIA Director George Bush has denied reports that the CIA planned the recent earthquake in Guatemala in an attempt to assassinate eighteen thousand dictators.

The body of Chinese Premier Chou En-lai was cremated this week in a cemetery near Peking. In what officials have called a Szechuan style burial, Chou was ceremoniously placed on a bed of rice and smothered with Oriental spices. In deference to their fallen leader, China has honored the late Premier by naming a new dish after him: Moo Goo Gai Pan.

Because it has been so difficult reaching our correspondent in Angola via satellite during the heavy fighting there in the past weeks, I will dial directly for a live telephone link-up with Update reporters in Luanda, Angola.

Hello?  
Hello, Angola?  
Angela's not here right now. Who is this?  
This is Chevy Chase, Weekend Update.  
Chevy? What are you doing calling me? Aren't you supposed to be doing the news?  
Who is this?  
It's Jane. How are you?  
Oh... Hi, Jane. I must have dialed the wrong number. I wanted Angola.  
Angela's over at your place stringing the beads; you know that...  
Goodbye, Jane.

State Department officials have denied that the revolution-scarred nation of Angola has been signed for a two week engagement at New York's Apollo Theatre.

Elsewhere in Africa, it was announced that the small nation of Chad has changed its name to Brian. In the spirit of Third World solidarity, the nation of Tanzania has changed its name to Debby.

And in Spain, Generalissimo Francisco Franco has been critically dead now for eleven weeks, and his doctors refuse to speculate on how long he can last in his present condition.

This just in: At a summit conference yesterday, Chinese Premier Chou En-lai had a high level meeting with Generalissimo Francisco Franco. Among the topics of discussions: Spanish rice.

Still to come—cannibalism: boon or hindrance? The new fashion rage—spray-on clothing... and who killed Agatha Christie?... after this filmed message.

A reminder to those of our viewers who missed our story last week on reports of the influx of so-called killer dope in urban areas around the country. Weekend Update has been analyzing the samples of marijuana sent to us anonymously all week. We are pleased to report that so far the only significant finding has been that if you force a baby squirrel to smoke 700 cannabis joints a day he will become disoriented, and seems to take the laws of self-preservation less seriously, tending to play with his nuts rather than store them. Once again, if you should come into contact with any suspicious cannabis and wish it to be analyzed by Weekend Update's team of research analysts, simply send a small sample right away to: Chevy Chase, 857 West 81st St., New York City.

This bulletin just in from Innsbruck, Austria. For a live on-the-spot report, let's go now to the site of the 1976 winter Olympics, and Update's sports reporter, Garrett Morris. Garrett?

Well, the big story here is, of course, the Downhill, Chevy. There is certainly plenty of snow, the temperature is brisk but not painfully cold, and all-in-all the weather seems ideal. Yet somehow, mysteriously, a pall hangs over the mountain here. There is an air of emptiness, a sense about this hill that people are afraid of it. Almost uncannily, and certainly unaccountably, there are no crowds here today, no throngs of thousands lining the slopes waiting for that record-breaking one forty-four. And, Chevy... even more ominous and inexplicable: the athletes themselves appear to be shying away from the sudden-death thrills that are the hallmark of this incredible downhill course behind me. Strange, yet true... This is Garrett Morris live from Innsbruck.

Garrett?... Garrett, can you hear me?

Reading you loud and clear, Chevy.

Well, now, Garrett... I may be wrong, but weren't the finals in the downhill event over earlier in the week?

I'll check the schedule on that, Chevy. Interesting point...

And, Garrett. Were not the entire Olympic Games in fact over with yesterday? Friday the thirteenth?

Another possibility. I'll check into that too.

I think that would account for the scarcity of spectators and athletes there...

Well what do you want me to do, man? What do I know about skiing and snow and all that bullsh\*t, baby?! I could've been covering the Globetrotters in Angola, honky! And you jive-turkey mothers send me to some damn Eskimo country club....

Medical history is made. In a stunning revela-

tion this afternoon, doctors and researchers at the Columbia Presbyterian Medical Center have discovered that it is white mice that cause cancer.

In other medical news, *The New York Times* reports that this year also marks the tricentennial of the discovery of sperm. Dr. Donald Fawcett, celebrating at the Harvard Medical School in Boston, remarked, quote: "There is reason to believe that the spermatozoan was in use before 1976." Weekend Update advocates its continued use in the coming centuries.

And very little has been discovered by Weekend Update scientists showing that the smoking of marijuana is harmful in any way. White rabbits, forced to roll and smoke 87 joints a day, are encouraged not to operate heavy machinery or drive on the freeways.

Remember, that research laboratory address where viewers should send any suspicious cannabis, is Research, that's Research, care of Chevy Chase, Apartment 12, 827 West 81st Street, New York, N.Y.

On the animal scene, the birth of a baby sandpiper was announced today by the Washington Zoo. It's the first such birth in captivity on record. The baby bird made its debut at 9:14 this morning, weighing in at just under 14 grams, and, according to zoo officials, resembled its mother quite closely. And the name given our fuzzy little friend? Simply, Cupid. One humorous note: the bird was stepped on and crushed to death this afternoon by "Goggles," the baby hippo born in captivity last Wednesday.

Following reports of swarms of so-called "killer bees" from South America crossing the border into Texas and California, the Department of Agriculture has warned of dangerous apartment-eating cattle seen roaming loose in Motuck, North Carolina.

Well, college fads come and go, from cramming students into phone booths to streaking. At Breakwind Junior College in the Florida Keys, the latest rage is seeing how much oatmeal you can stuff into a Volkswagen.

Walter Cronkite admitted today that he would have informed the FBI that John Chancellor was indeed a C.I.A. informant, had the C.I.A. not asked the former not to disclose his FBI associations to the C.I.A. as long as the FBI and the C.I.A. were connected with the Chancellor investigation into Cronkite's C.I.A.-sponsored activities uncovering Chancellor's FBI-NBC connections with the A.F.L.-C.I.O.

Weekend Update recognizes its obligation to present responsible opposing viewpoints to our editorials. Here to reply to a recent editorial is Miss Emily Litella.

What's all this fuss I hear about saving Soviet Jewelry? What makes Soviet Jewelry so special? Will it be worth more in a few years? Why, with the prices the way they are today, all jewelry will be worth more. If I recall correctly, Mrs. Kruschev didn't wear very much jewelry. And I don't believe her husband the premier even wore a watch. Not a Mickey Mouse watch anyway—they wouldn't even let him into Disneyland. And now he's dead. I'm infuriated. Save Soviet Jewelry—where are we gonna put it? I say keep it over there with all their ballet dancers. Let them keep their jewelry, and their ballet dancers. As a matter of fact, why not let the ballet dancers save the jewelry. Americans have more important things to save. Like gas, electricity, and what about our fuel? That's important. Not jewelry.

Finally, by a vote of 23 to 5, the California State Senate has approved a resolution removing Richard M. Nixon's name from a Southern California freeway. Sources in San Clemente say that the former President is considering changing his name to "Off Ramp."

convince producer Lorne Michaels easily as telegenic as John Chancellor tried out by stitching together delivering some news of his own. "Weekend Update" has been a fixture on TV ever since. Good satire is difficult to sustain, of course, and "Weekend Update" drops a few clinkers now and then. Chevy's skewering average is remarkable—and NBC's tolerance ratings may be even higher if management lets him keep swinging. For those who remember the fifties, Mort Sahl is alive and well on Saturday Night.

# Le Monde

(continued from page 15)

*Monde* readers are hard put to recall more than a handful of relatively minor differences of opinion between the newspaper and the governments of the Gaullist Fifth Republic, except on tactics or methods.

Rarely has there been a better-documented case of the newspaper's chauvinism than the story of the sale of 110 Mirage fighter-bombers to Libya. The Washington bureau of *The New York Times* broke the story on Dec. 19, 1969, suggesting that 50 war planes were involved. The next day, the Paris bureau of *The Washington Post* confirmed the story and said larger numbers were involved. The Post's Paris source was a high-ranking foreign ministry official who, for reasons of his own, refused to play the government's game of lying about the Libyan deal.

*Le Monde*, however, followed then Defense Minister Michel Debré's lead and diligently pooh-poohed the deal. As late as Jan. 8, it insisted that only 15 planes were involved. Lighting into the British and American press, which had stuck to its guns, *Le Monde* said in a front-page editorial that "certain newspapers normally reputed more prudent in their choice of information have not hesitated to reproduce information recently concerning our country's intentions, which are either false or exaggerated." The editorial strongly hinted that the American and British newspapers, whose reporters had done their legwork, were guilty of peddling their respective governments' sour-grapes criticism of the deal that their own arms salesmen had been unable to make. When the French government ultimately confirmed the deal, *Le Monde* finally recanted.

**T**he newspaper has also shown willingness to suppress news reflecting badly on France. Early in 1969, Donald Louchheim, then Paris correspondent of *The Washington Post*, received a message from his editors suggesting that the French had found a way to control ballooning defense cost overruns, then at the center of a congressional investigation. Louchheim went to see *Le Monde*'s military specialist, who quoted chapter and verse indicating that, if anything, the situation was worse in France because retired admirals and generals sat on the boards of both private and government-run defense contractors whose detailed financial records were kept from public scrutiny. *Le Monde*'s man assured his caller that he had written extensively on the American military-industrial complex. But he shot Louchheim a look of amused horror when asked when similar stories on the French situation had appeared in *Le Monde*.

These examples underscore a problem shared by all French newspapers, but perhaps less forgivably so by *Le Monde* in view of its wealth and prestige. Yet, in France, that is the deference shown those in power. It is a deference perhaps understandable in view of the five republics, four major wars and countless colonial ones, innumerable attempted—and sometimes successful—revolutions, and more than a dozen constitutions since France ceased being a monarchy. Then, too, there is the 30 per cent tax reduction accorded journalists by the Third, Fourth and Fifth Republics. Moreover, heir to a long tradition of Paris intellectual conformism, *Le Monde* editors and staffers also realize that telling all would destroy that most valuable and titillating of privileges: inside knowledge. "If you criticize those in power too directly," a *Le Monde* staffer remarks, "you lose your contacts."

Similarly, *Le Monde* apparently believes in sending a correspondent to a country because his known predilections are favorable to the government in power there (the newspaper maintains 17 full-time correspondents and more than 20 stringers around the world). Thus, Alain Bouc, a young man described by a colleague as a "Maoist disguised as a provincial notary," was dispatched to Peking (but later resigned because he tired of

daily journalism.) The paper's correspondents in North Africa are equally well disposed to the local regimes. The secret police excesses in Algeria, President Habib Bourguiba's increasingly frequent flights from reality in Tunisia, King Hassan's corruption and persecution of the political opposition all go largely unreported in *Le Monde*. Cynical staffers note that the paper sells more than 20,000 copies in these former French colonial possessions—as long as critical articles do not prompt seizure.

If *Le Monde*'s more critical readers are increasingly questioning its credibility, part of the problem stems from a generational struggle within the staff. The old Beuve-Méry order is dying out. An American journalist who has read *Le Monde* since its inception expressed his respect for Beuve-Méry for "running a masochistic order of monks founded on an honorable brotherhood which knew no vindictiveness." In the early days, *Le Monde* staffers indeed worked for a mere pittance, all the threatened management dared provide them for fear of endangering the whole enterprise. But when Fauvet, Beuve-Méry's long-designated heir, took over, *Le Monde* had a decade of prosperity behind it and, in retrospect, suffered from a sense of let-down after the heady years of opposing France's colonial wars in Indochina and North Africa.

The already visible change took a drastic turn in the wake of the "May-June events" in 1968—that six-week period of liberating anarchy sparked by left-wing university students and then joined by millions of striking workers, which almost toppled de Gaulle. The General never recovered politically from the upheaval, despite the landslide election victory which marked conservative French voters' instinctive rejection of chaos. But in May, by a kind of mirror-image luck of the draw, both Beuve-Méry and the General had been out of the country: both on official visits, one to Rumania, the other to Madagascar (Beuve-Méry enjoyed being received by chiefs of state every bit as much as the General, for it consecrated *Le Monde*'s place in the hierarchy of Gallic institutions). Beuve-Méry scuttled home from the Indian Ocean island and promptly wrote an editorial which came down strongly on the side of law and order. Within days, the police, without incident, cleared both the Odeon Theater and the Sorbonne, which had been taken over by extreme leftists and become the most visible symbols of the upheaval.

But Beuve-Méry could bring no such magic wand to bear on *Le Monde*, which, whatever the turmoil within its ranks, had picked up circulation during this crisis. Moreover, he found that *Le Monde* was at the breaking point of a severe manpower shortage, its fewer than 100 journalists all but exhausted by the 1968 events. Over the next year, more than 60 editorial staffers were hired. In part, this mass hiring reflected *Le Monde*'s anguished recognition that it was somehow out of touch with one of the most important segments of its audience: the secondary school and university students. (Nearly 25 per cent of *Le Monde*'s readership is under 25.) The years of fighting the good anti-colonial fight in Indochina, then North Africa; the exposure of the Gaullist government's involvement in the messy kidnapping and probable death of leftwing Moroccan exile Mohammed Ben Barka; the other battle citations on behalf of Good Causes, were frankly ancient history to French youth in 1968.

Under Fauvet, *Le Monde* suddenly became interested in contraception, abortion, homosexuality, bisexuality, regional problems, prison reform and a host of other trendy subjects which an American may be pardoned for suspecting were of transatlantic origin. (Fauvet himself recalls his shock at seeing the word "masturbation" in *Le Monde* copy for the first time in 1969. "I crossed the word out and wrote in 'onanism' which I felt was somehow less direct," he says.)

The new staffers went to the newly created or greatly expanded areas of coverage. Veteran services—especially the prestigious, aristocratic, foreign service which had helped *Le Monde* develop its reputation—were scaled down. Foreign

desk staffers muttered angrily: Fauvet was a provincial petty bourgeois, uptight Catholic from Lyons who spoke no foreign language and had made his reputation covering domestic politics. "The monastic oldtimers, ill-paid because their goal was not money but to render public service, suddenly were faced with the new careerists who, despite their extreme left politics, were loath to take professional chances at a time the Paris press was shrinking into a death's head," groused one senior member of the foreign desk. "Face it, the younger staffers owe everything to Fauvet."

For the first few Fauvet years, the oldtimers believed the newcomers were calling the shots, that the young tail was wagging the middle-aged dog. That impression has not entirely disappeared, though it has subsided. Furthermore, the various departments tend to be run by forceful men loath to heed Fauvet's central authority. The problem is known as "vileyism," taken from the dissension-ridden vilayats, or administrative zones established by the Algerians during their war of independence against France. Some staffers suggest Fauvet has allowed the paper to become a "bateau ivre," the title of a famous Rimbaud poem suggesting an out-of-control ship.

But it is hard to argue with success. Except for the *International Herald Tribune*, *Le Monde* is the only Paris newspaper making money these days. Jacques Sauvageot, the roly-poly man of the world who runs the business side, credits the paper's financial success to Beuve-Méry's native suspicion of everything and everybody—as well as to the policy of pricing *Le Monde* just a bit higher than any other Paris daily (its current cover price is 1.30 francs, roughly 32 cents).

What with the tax breaks accorded French newspapers—they are exempt from value-added taxes on telephone and telex charges, their newsprint and postal tariffs are subsidized and profits can go untaxed for five years if reinvested—it is perhaps hard for outsiders to understand how any daily can lose money. The answer lies in the incredible mismanagement by the group of half a dozen or so press lords—ranging in age from 76 to 93—who plundered their publications in the good years.

*Le Monde*—which has pressed its truth-in-packaging ideas by being the only Paris daily to make salaries a matter of in-house public information or to honor the legal obligation to publish press run and annual statement figures—has seen honesty pay off. Once trailing *Le Figaro* in advertising five to one, it has now gone out ahead in all but one category—real estate. Fauvet and Sauvageot now worry about the amount of space devoted to advertising, which has increased nearly one fourth in less than a decade.

**F**or all the prosperity and new talent in recent years, *Le Monde* remains ideologically much the same as when Beuve-Méry founded it in 1944. Its staff still prefers thinking to legwork, the Soviet Union still gets high Marx for its politics (if less and less for its accomplishments) and the United States continues as the globe's principle geopolitical heavy. On Jan. 28, after the United States vetoed a United Nations Security Council resolution that would give the Palestinians the right to establish an independent state, *Le Monde* editorialized that the only effect of the veto would be to increase Israel's intransigence.

Salvation lies in the Third World. In recent months the relationship between France and Algeria has declined seriously because of unkept economic promises by French President Giscard d'Estaing. Staff writer Daniel Junqua warned Jan. 30, for example, that if "the situation deteriorates further, France will not only lose its traditional economic position in Algeria, but will have to give up all pretense of playing a major role in the Euro-Arab dialogue and talks between developed nations and the Third World." In the pages of *Le Monde*, the Gaullist philosophy of France as savior of the Third World from the giants of capitalism and communism still lives. ■



As Inspector Erskine on The FBI television series, Efrem Zimbalist, Jr. personified the image the bureau wanted to project. He was also the laughingstock of many agents in the field who found his character too glamorous and romantic.

Sandy Huffaker

## 'This Is Your FBI'?

BY SANFORD J. UNGAR

I knew nothing about the FBI before the series began; it was just a magic word to me. . . . But I certainly did learn to identify with the Bureau. I was very devoted to Mr. Hoover. I felt very keenly all that he was going through, and the Bureau with him. . . . I met him in connection with the series, when I went to Washington for a week of indoctrination and familiarization. I will never forget that interview with him: I was taken into his office by Deke DeLoach. There was no time for the amenities. Mr. Hoover began to talk, and he talked at machine-gun speed—about Hollywood, Washington society, Shirley Temple and his great range of interests. It lasted two hours and four minutes. . . . When I got home, there was a letter from him. It began "Dear Efrem" and was signed "Edgar." I was deeply fond of him. . . . It became one of the richest friendships I ever had. . . . When I travel, I always try to visit the field offices.

—Efrem Zimbalist, Jr., "Inspector Louis Erskine" of The FBI television series, in an interview during the filming of one of the last episodes before the series was canceled by ABC.

Efrem Zimbalist was just what every FBI agent would like to be—quick-witted, dashing, respected by everyone he met except the nasty criminals (sometimes even by them, too), and able to summon a helicopter at the snap of a finger. In his role as Inspector Louis Erskine, he had loyal, devoted, and efficient helpers, and he never failed to crack a difficult case. The people he caught invariably went off to jail or paid stiff fines, and if they did not, the implication was that it was the fault of soft-headed judges or mushy-minded liberals in charge of some other part of the criminal justice system. Zimbalist got only the best cases, where the FBI jurisdiction was clear and unambiguous and when local law enforcement officials

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**The image of the G-Man may be tarnished these days, but for years the late J. Edgar Hoover proved a master at manipulating the media into presenting agents as benign, non-gum chewing family men.**

were content to take a back seat and serve as support personnel for the Bureau.

That was the way the Bureau liked it—a crisp and clear public image that commanded the respect of the citizens. Once J. Edgar Hoover had become a fixture on the American scene, as he had by the mid-1930s, the FBI began ambitious efforts, and devoted enormous financial and human resources, toward shaping its image. From the Bureau's point of view, the crusade was a success: public judgments of the FBI, as measured in opinion polls, skyrocketed; and by the early 1960s the Bureau had highly favorable ratings from more than 80 per cent of the people. Crimewatcher, ideological policeman, guardian of the nation's values, the FBI could do no wrong. Perhaps the most remarkable aspect of this phenomenon was the extent to which the FBI successfully nurtured its own image from behind the scenes through myriad techniques—some of which are still used today, notwithstanding the onset of more troubled times for the agency that bills itself as "the greatest

law enforcement organization in the world."

The romantic image of Inspector Erskine was a typical television glamorization of a lawman's role—and a successful one at that. *The FBI* ran for nine years in prime time on ABC with the prestige sponsorship of the Ford Motor Company and other major corporations (and then attracted substantial royalties for domestic and foreign sale of the reruns after the series was canceled by the network in 1974). Many matters depicted on the program had little basis in reality. The Bureau does not own a single helicopter, although it may occasionally borrow one from local police or the military. Its cases rarely go as smoothly and spectacularly as Erskine's. And although one or two special-agents-in-charge of field offices have been regularly used in recent years to supervise the investigations of major cases ("specials"), it has been some time since the Bureau had a roving inspector the likes of Erskine of the television program, who was dramatically dispatched to save the day. (One such agent, Earl J. Connelley, raced from one crisis to another for years until he retired in 1954. Another, Joseph A. Sullivan, performed the job somewhat less flamboyantly between 1963 and 1971, coordinating long and difficult investigations in various parts of the country.) Zimbalist, in fact, while officially revered by the Bureau and even invited to speak at the FBI Academy in Quantico, Va., was the laughingstock of many agents in the field—they thought the television characterization pictured Erskine's job as soft and glamorous; they knew their own one was tough and often thankless.

What some agents and most of the public did not realize was that the FBI image portrayed by Zimbalist, including much of its gloss, was developed with the avid cooperation and effective control of the Bureau. From the outset, the FBI worked with producer Quinn Martin (having selected him over others who vied for the lucrative opportunity) and gave its official approval to the



Lloyd Nolan got his man in The House on 92nd Street, while the 1945 film got the cooperation of the bureau during its production.

series; indeed, permission was even granted for use of the Bureau seal on the television screen. As the routine evolved, the Bureau submitted memoranda on "interesting cases" to Martin, who farmed them out to Hollywood screenwriters to come up with scripts that could be used for each season's more than 30 episodes. Every script was first funneled through the Los Angeles Field Office and sent to Washington for suggested changes and final approval in the Crime Records Division (later known as the External Affairs Division) at headquarters. If the Bureau officials vetoed anything, such as scenes that read as if they would be excessively violent, that made the FBI look weak, their opinion was final. As a result, of course, unlike the situation in other police-related television programs, the agents in *The FBI* series never lost their patience or temper and they lived exemplary lives. According to screenwriter David W. Rintels, in testimony before the Senate Subcommittee on Constitutional Rights, the FBI and the sponsors also ordered that the plots avoid sensitive political subjects like civil rights.

To keep the television image in line with Bureau requirements, the Director ordered that the Los Angeles Field Office maintain careful liaison with, if not supervision over, the Hollywood team producing *The FBI*. For most of the program's nine-year life, that job fell to a man chosen by Hoover to be its technical adviser, Special Agent Dick Doucet. Doucet had been an announcer on radio and television before he ever joined the Bureau, and he looked and acted the part of a Hollywood liaison man—silver-gray hair, well-preserved soft features, a graceful soothing voice, and a smoothness that inspired confidence rather than suspicion. When he moved through the production company during the work on an episode—he or his relief man attended the filming of every part of each week's installment—adjusting Zimbalist's gun so that his suit jacket would not get caught on it, urging changes in the questions asked a suspect, or suggesting that in real life the agent would be driving more slowly, an outsider never would have suspected that Doucet was an agent rather than a professional director. He made certain that the FBI employees depicted on television did not smoke or chew gum, held their weapons properly, and were always polite to the citizenry.

In some instances, Doucet intervened during the filming of an FBI episode to point out that the writer was drawing a potentially wrong conclusion from the evidence available at that stage of the story, or that enough information had not yet been presented in the episode to justify the issuance of a

warrant for the villain's arrest (in which case an additional expository scene might be necessary).

The television series was only the latest in a tradition of romantic broadcast portrayals of the Bureau. Earlier entries, in the heyday of radio, were "The FBI in Peace and War," based on the book by Frederick L. Collins, and "This Is Your FBI," which produced 402 half-hour programs between 1945 and 1953. "This Is Your FBI" had official Bureau cooperation. "The FBI in Peace and War" did not, but Collins had been substantially guided in his book research by Hoover. The FBI had no hand in *I Led Three Lives*, the early television series based on the adventures of FBI counterspy Herbert Philbrick, but it had earlier helped Philbrick with his book and was very favorably portrayed on that program. The cancellation of the series starring Zimbalist after its ratings began to slip seemed to mark the end of an era, but soon thereafter the Bureau's favorite producer, Quinn Martin, came up with a new plan for at least four full-length feature films for television based on important moments in FBI history, to be broadcast as part of the CBS *Thursday Night at the Movies* series. Director Clarence Kelley gave his go-ahead and once again the Bureau approved and improved scripts that dealt with cases ranging from the career and capture of gangster Alvin Karpis in the 1930s to the FBI's solution of the 1964 murder of three civil rights workers in Philadelphia, Mississippi. (The Bureau pressed Martin to focus more on recent accomplishments than on the gangster era.) The movies were somewhat less heavy-handed and one-sided than *The FBI*, but still reflected a substantial injection of what the Bureau wanted the public to see and think of the FBI. The dramatization of the Karpis case, for example, went out of its way to assert that Hoover had long planned to arrest the fugitive personally (in fact, he apparently did so only in direct reaction to congressional criticism), and the two-part film about the Mississippi murders, based on Don Whitehead's Bureau-approved version of events, simply ignored a number of unresolved controversies surrounding the Bureau's role in the case. There have been other, more modest efforts to promote the Bureau through the broadcast media. For years the NBC radio "Monitor" program ran a five-minute segment every weekend on some aspect of FBI operations; when it was dropped in 1964, the idea was picked up by ABC as "FBI Washington." The program continues today with a five-minute interview, broadcast every Sunday morning, with the assistant director in charge of the External Affairs Division.

It was not only in broadcasting and movies that the Bureau pitched in to help what it had reason to expect would be favorable portrayals. Over the years the FBI also cooperated enthusiastically with several authors, on the condition that the Bureau would have the final right of approval over what they wrote. The prime example and crowning accomplishment of that policy was *The FBI Story* by the double Pulitzer Prize-winning reporter Don Whitehead. Washington bureau chief of the *New York Herald Tribune* at the time, Whitehead was notified in 1955 that if he renewed an earlier request for help with a history of the Bureau, it would be agreed to. For the next year Whitehead was spoon-fed by the Crime Records Division, with Assistant-to-the-Director Louis B. Nichols carefully supervising the project. Whitehead saw exactly what the Bureau wanted him to see and only that, notwithstanding the Director's claim, in his foreword to the book, that "we felt it was our duty to provide him with full facts so that he could form his own independent judgement on our policies, procedures and performance." As Nichols put it in an interview years later, "Whitehead made a few mistakes, but by going over the manuscript we were able to put him back on the right track. . . . We corrected a few of his facts, but we never interfered with his conclusions."

Whitehead produced a book that is an extraordinary document and a fascinating period piece. He was able to include many stories that had never before been told, including details of the FBI's Special Intelligence Service work during World War II, and he had access to private Hoover memoranda recording some of the Director's recollections of confidential prewar conversations with President Roosevelt. The book reports the official FBI version of events surrounding its birth and development; it speaks in intricate detail of the Bureau's successes and accomplishments. But it also suffers from being packed with self-serving minutiae provided to Whitehead by the FBI about itself, down to the dollars-and-cents terms of pension funds and the premium for government group life insurance. Its "you are there" style dialogues recounting important moments in Hoover's career are difficult to believe because they are so stilted and one-sided. The chapters dealing with the postwar era take a straight Bureau line on the Red-hunting controversies of that period and are not balanced with more skeptical views. Whitehead actually states near the end of his book that the Bureau "isn't perfect," but nowhere in the preceding chapters can one find evidence to support that proposition. The book's dust jacket carries the FBI seal, and the foreword, signed by the Director, endorses Whitehead's effort over other accounts about the Bureau that had been "distorted" or "figments of the imagination."

*The FBI Story* was a bestseller, thanks in part to Bureau promotional efforts on its behalf. The FBI Recreation Association's (FBIRA's) purchase of copies helped to boost sales and distribution. The popular film version of the book starred James Stewart as an agent, and Hoover wept with joy at its premiere. From the time of its publication new recruits for the position of special agent were required to read, and practically to memorize, Whitehead's book in training school. It was offered as an example of perfect "objectivity" about the Bureau. At least one prospective agent found himself in trouble in the late 1960s when he did a "book report" during training critical of *The FBI Story*, in which he suggested that the Bureau's true interests were not served by such fawning, unobjective material. The rumor spread that this trainee was merely infiltrating the agency for the purposes of writing his own book, and before he graduated and was sent to his first field office, FBI officials scrutinized law review articles he had written during law school before applying to the Bureau. (They finally decided he was safe and let him proceed.) Even in the mid-1970s the Bureau still had a stock of copies on hand, and on July 30, 1975, a new shipment of 98 copies was put on the shelves of



When the film version of The FBI Story appeared, starring James Stewart (right) as an agent, J. Edgar Hoover wept with joy at the premiere.

the library at Quantico, making a total of 148 there. By contrast, there were 6 copies of other books critical of the FBI on the shelves.

One of Hoover's long-time journalist friends, Andrew Tully, had access to individual Bureau files for his 1965 book, *The FBI's Most Famous Cases*, including "Machine Gun" Kelly's involvement in the Urschel kidnapping, the Rosenberg atomic espionage case, the exploits of bank robbers Bobby Wilcoxson and Albert Nussbaum, and the 1963 kidnapping of Frank Sinatra, Jr. Tully's book, also promoted by the FBI and purchased in quantity by the FBIRA, included a characteristic introduction by Hoover, a fresh quotation from him to begin each chapter (such as "Dillinger was a cheap, boastful, selfish, tight-fisted pug-ugly, who thought only of himself" and "We are courting disaster if we do not soon take some positive action against the growing moral deterioration in this land"), and an afterword with the Director's advice on how citizens may avoid crime. Another book assisted and promoted by the Bureau (some field offices distributed copies to local civic groups and schools) was *The FBI in Our Open Society*, by the husband-and-wife team of Harry and Bonaro Overstreet. Published in 1969, it is largely a compilation of Bureau responses to and refutations of criticisms by other writers and commentators, in some instances pointing out genuine unfairness but in others merely nitpicking on minor points.

The Overstreets, in taking to task writers who had criticized the Bureau—Max Lowenthal, William Turner, and Fred Cook, among others—were doing no more than the FBI itself, which tried to discredit any "negative" book or article that it thought would hurt its public image. Once the Bureau had finished its job of discrediting Max Lowenthal's *The Federal Bureau of Investigation*, which originally appeared in 1950, it became difficult to find copies of the book on bookstore shelves; articles appeared in a number of newspapers dealing with Lowenthal's statements in terms remarkably similar to official Bureau responses. The Lowenthal book contained some revealing material on the Bureau's early days, but it primarily used selective quotation from and reference to debates, hearings, and reports in order to build what one reviewer called an "unrelieved condemnation of the Bureau." It was an admittedly unsympathetic work, a case against the FBI. But in the politically charged days when it appeared, it was characterized as a vicious and unpatriotic attack on the Director, and Lowenthal's eventual reward, incredibly, was a subpoena from

the House Un-American Activities Committee. Much of Lowenthal's technique, and some of his material, was incorporated by Fred Cook into *The FBI Nobody Knows*, published in 1964, and as a result he too was severely dealt with by the Overstreets and by reporters who had help with their research from friends inside the Bureau's Crime Records Division.

William Turner, a former agent who had carried his personal fight with Hoover to the Supreme Court and lost, published his book, *Hoover's FBI: The Men and the Myth*, in 1970. When Turner appeared on radio and television shows to promote the book, he kept finding that unexpected guests were there to debate with him, or that the program host was unusually well equipped with hostile questions to ask. Similar steps were taken against another, less well circulated book, *Inside the FBI*, by Norman Ollstad, who had served as an agent for a short time. The technique was also used, although more subtly, in an effort to discredit a novel, *Don't Embarrass the Bureau*, written by ex-agent Bernard Connors. The Bureau's resources and contacts were so considerable, and unauthorized books about it or their authors so likely to have some flaws, that the FBI would almost always succeed in some measure in weakening such opposition. The Bureau's efforts were usually subtle and surreptitious enough to avoid public controversy of the sort later stirred up when the CIA went to court to try to prevent publication of once-confidential material from its files or derogatory comments by former employees. The FBI was invariably well equipped for any refutations it wanted to make; it had remarkable success in obtaining advance copies of manuscripts or articles about it, sometimes by appealing to the patriotic motives of someone who worked for the publisher, and it kept thorough files of the "negative" articles that had appeared under anyone's by-line, sometimes supplemented with personal material about the author. When Ovid Demaris, for example, who was writing a book about Hoover, went to interview Attorney General William Saxbe about the FBI, the Bureau sent in a file of "background material" about the author in advance.

Left to Hoover, any counterattack against criticism of the Bureau risked suffering from severe overkill. As early as 1940, when the FBI had been criticized, the Director said in a radio talk that "your FBI is respected by the good citizens of America as much as it is feared, hated and vilified

by the scum of the underworld, conspiring Communists and goose-stepping bundsmen, and their fellow travelers, mouthpieces and stooges." On other occasions he would tell offending newsmen or publications that their critiques of the FBI were "the sort of material I might expect to find on the front page of *The Daily Worker* or *Pravda*."

The Bureau's usual manner of dealing with individual reporters or writers it felt had wronged the FBI was not to approach these people directly, but rather to go to their editors or other superiors with a complaint, on the assumption that everyone had a "policy" toward the Bureau. That practice continued under Hoover's successors. Many of the Bureau's calls or visits to the editors, or their outcome, never became known, but two of them did in 1974. When syndicated columnist Lowell Ponte wrote an article expressing concern about the FBI's computer network, the publisher of one newspaper that ran the column, the Anaheim, California, *Bulletin*, had a visit from two agents who said they wanted to explain "what the FBI computer system was really like." Similarly, agents visited the office that syndicates Andrew Greeley's column from the *Chicago Tribune* after he wrote a piece critical of the way the Bureau handled the case of the disappearance of newspaper heiress Patricia Hearst. The philosophy behind such visits seemed to be that if a newspaper or syndication executive, just like the head of any bureaucracy, could be persuaded to see the light, he would then automatically bring around the recalcitrant writer or at least heavily edit his copy in the future to reflect a view more sympathetic to the FBI. That technique may have worked at one time, especially in the heyday of the Crime Records Division, but in these instances it backfired dramatically. The principals in the California incident told *The New Republic* what had happened, and the magazine ran a piece about it that made the FBI look silly. Greeley's syndicate immediately reported to him about the visit from the agents, and he wrote yet another column critical of the Bureau, this time taking up both the Hearst case and the Bureau reaction to the first column. He followed later with other pieces about the FBI that were none too favorable.

Seldom did the FBI react as severely and angrily to "negative" material as it did to a 1970 article by reporter Jack Nelson of *The Los Angeles Times*. Nelson, once a favorite of southern field offices for his stories on the Bureau's role in civil rights cases, wrote a lengthy piece contending that the FBI had directly provoked a Mississippi fire-bombing incident involving the Ku Klux Klan and unnecessarily caused the death of some of the Klan members involved. Hoover tried everything to get Nelson fired, including visits by FBI emissaries to editors and executives of the newspaper and the spreading of allegations about Nelson's character and personal life.

One crucial element in the Bureau's image-building was the material turned out over the years under the Director's name. Apart from the endless flow of magazine and law review articles, there were the Hoover books. The most successful and widely circulated was *Masters of Deceit: The Story of Communism in America and How to Fight It*, a would-be scholarly treatment that ran to almost 400 pages. In 1958, when it was published, vehement anticommunism was still a major element of the popular support the Bureau enjoyed. The book, produced in Crime Records, traced the early origins of communism, the lives of Marx, Lenin, and Stalin, and then discussed the "basic, everyday facts of communism which will be of maximum help to the people of our country in recognizing and fighting the enemy in our midst."

While epics like *Masters of Deceit* were an important part of the Bureau's long-range efforts, the FBI was always good at grabbing daily headlines, too. In 1940, Hoover himself called New York reporters to the field office there to reveal the discovery of a "plot" in which 17 members of a "Christian Front" organization—including some part-time soldiers, a telephone mechanic, a baker, a tailor, a chauffeur, and others—were allegedly planning to wipe out the New York police and all of the nation's Jews, seize the gold stocks, take over

all public utilities, and set up a dictatorship. "We have evidence to substantiate every claim we have made," Hoover declared, sounding his familiar theme that "it took only 23 men to overthrow Russia." A minor scandal resulted over the fact that three weeks passed between the men's arrest and their indictment, and little ever came of the case.\* But the alarmist style took hold and seemed to convince people that the Bureau was always on the job. That style and thirst for publicity prevailed whenever the FBI got onto what it considered an important case, from the "arrest" of the World War II German saboteurs who were landed off Long Island to the early announcement by Hoover of the alleged plot of the Berrigan brothers and other militant antiwar Catholics in 1970 to kidnap presidential adviser Henry Kissinger and blow up public buildings in Washington. Some skeptics suggested that Hoover's well-publicized alarm over the national well-being emerged most emphatically whenever he was asking Congress for a big jump in appropriations, but it was probably not as calculated as that. The Director undoubtedly believed—and he seemed to be right—that the public had an insatiable appetite for news about their G-men. To be certain that appetite was responsibly satisfied, the Crime Records Division also turned out the routine articles about the Bureau for the *World Book* and other encyclopedias.

One of the most brilliant publicity innovations, launched in 1950, was the FBI's list of the Ten Most Wanted criminals in the United States. Started with the cooperation of International News Service (INS), the "top ten" gimmick was an instant success, an adjustable honor roll of the fugitives the Bureau and local authorities most wanted to nab. Almost every newspaper in the country, at the start, was sure to run the photographs of all ten from time to time and certain to feature anyone added to, or caught and therefore removed from the list. Often the criminals were picked up on the basis of a tip from someone who saw their pictures in newspapers, magazines, or post offices. In one 1953 issue, *The Saturday Evening Post* ran a feature story about the FBI list, with the fugitives' pictures, and alerted its readers to "call the nearest office of the FBI if you see one of these men;" as a direct result of calls from people who read the *Post* article, the Bureau promptly arrested three of the ten.

It was an expensive matter to put someone new on the Ten Most Wanted list, because the appropriate inserts had to be sent out for the display boards in every FBI field office and other prominent locations. (Officially, each fugitive on the list has an agent assigned to look out for him or her in every field division.) But Bureau officials felt that it paid off and cited instances where captured criminals said, "As soon as I opened up the newspaper and found out I was on the top ten, I knew my days were numbered." Altogether, three hundred persons on the list were "located" during the first 24 years of its existence. For most of them, there was a federal warrant for unlawful flight to avoid prosecution or confinement growing out of state charges. If legal process was dismissed against a fugitive because the statute of limitations had made it impossible to try him, he was dropped. One member of the original top ten from 1950 was finally removed from the list only in 1964, after the FBI became convinced that his body was somewhere in the concrete beneath the New Jersey Turnpike, and the case against him was dropped. The average length of time a person has remained on the list before being found is, as calculated by the Bureau, 153.63 days. The figure went that high because of six New Left underground fugitives, wanted in connection with bombings and bank robberies, who eluded the authorities for years. At one point the list was expanded to 16 to accommodate that group, but eventually it returned to ten by attrition. As the radical fugitives were found by the Bureau or

\* Nine of the defendants were acquitted, and a mistrial was declared in the case against five others. The charges were dismissed against two, and one committed suicide.

police, they were replaced on the list by more conventional criminals, presumably easier to catch.

The Crime Records Division (abolished under Gray but later reconstituted by Kelley as the External Affairs Division) was never openly acknowledged as the Bureau's public relations and image-building arm, but that is what it was. It never operated as a typical public information office, but rather as a part of the bureaucracy responsible for calculating, and acting aggressively upon the Bureau's best interest at any moment. Its budget for fiscal year 1975 was \$2,868,000.\* Even when it was spending far less in the early days of its image buildup, critics like Senator George Norris of Nebraska denounced Hoover as "the greatest publicity hound on the American continent today." However, the Bureau's answer was always that for a law enforcement agency to be effective, it had to be widely known and respected. Measured in those terms, the aggressive public relations approach worked; public opinion polls consistently showed that the Bureau had high recognition and admiration among the citizens.

Agents assigned to the division would freely acknowledge that they are motivated less by any lofty notions of "the public's right to know" than by concern for "how the FBI can be helped through publicity to fulfill its investigative responsibilities"; they would be less likely to admit their almost pathological attempts to make the Bureau look flawless and faultless in any and all circumstances. These preoccupations, and the fact that few agents in the division ever had any practical experience with or as members of the press, explain its penchant for classifying all newsmen as either Bureau "friends" or "enemies." The representatives of certain chains—including Hearst, Copley, and Scripps-Howard—or any newspaper or magazine with a staunchly conservative editorial policy were for years bound to get better treatment than their competitors. One former staff member for the *New York Daily News*, long a Bureau favorite, tells of rocking the boat when he was first assigned to the newspaper's Washington bureau by writing a story that upset the FBI. The reporter located in Brussels a man the Bureau had been unable to find, and he failed to alert the FBI in advance that his article was coming. He was scolded by both Crime Records and his own superiors for breaking the rules of their relationship. Amends were quickly made, however, and he was soon enjoying the special FBI tips and leaks to which the *Daily News* was accustomed. During the 1967 antiwar march on the Pentagon, for example, when the Bureau was turning a cold shoulder to other newsmen, the *News* man practically had an open line to Crime Records; his contact there inundated him with facts and figures promptly on schedule for each new edition deadline.

The Bureau's particular relationship with people it classified as "friendly media representatives" involved routine and frequent violations of the "attorney general's guidelines" that officially restricted what the FBI could release about any pending or sensitive case. But most of the leaks would have been difficult to trace, because there was nothing on paper to indicate the source of the information and Bureau officials usually covered their tracks carefully. The Bureau's well-developed art of leaking was probably one reason for Hoover's longstanding reluctance (not always successful) to get the FBI involved in investigations of leaks of documents and information from within government departments. He took the position that this was the internal housekeeping business of each department, and that the only meaningful punishment for such infractions was administrative discipline. To take a different position would have been hypocritical, given the FBI leaks, and some of

\* The Bureau, in explaining this large budget, says that it is spent "employing all communications media to increase public awareness of the responsibilities and services of the FBI, and to alert the public to the criminal and subversive dangers threatening society, thereby encouraging citizen cooperation in combatting these elements, which constitute critical and costly problems to each member of society." The External Affairs Division also routinely responds to the vast quantity of mail received by the FBI and conducts tours of Bureau headquarters that draw tens of thousands of tourists every year.

the investigations, if vigorous, could have been very embarrassing to the Bureau.

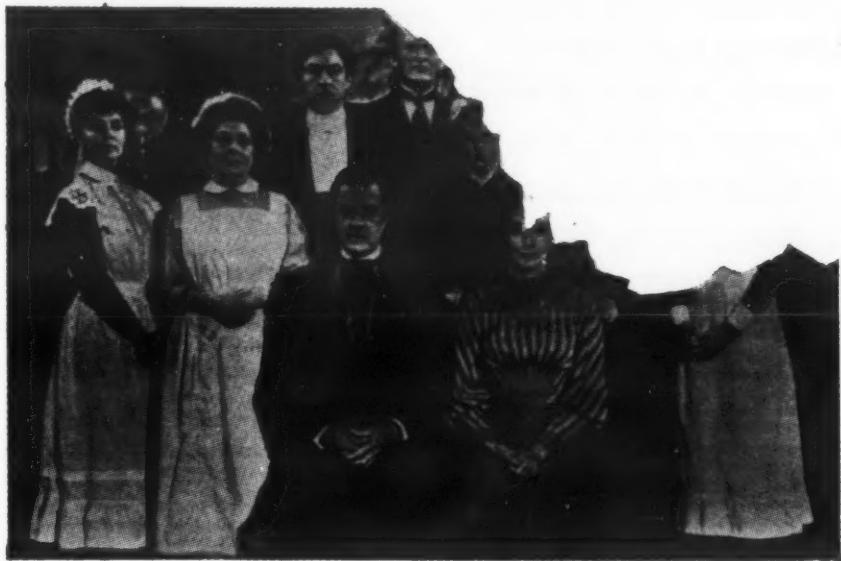
One reason that some newsmen found out so much from the FBI was that they also provided the Bureau with information, sometimes filling in details of situations where reporters could move more easily than government investigators. For years it was standard operating procedure for reporters to tip their FBI contacts off about people or situations they knew were of interest. In the days before reporters became acutely sensitive to incursions on their First Amendment rights, they cooperated with agents without particularly worrying whether they would be identified as the source of the material in FBI reports. Trading favors with the FBI inevitably helped a reporter's career. But as concern about freedom of the press developed, some of those ground rules changed. James Mone, a photographer for the Associated Press in Minneapolis, for example, was suspended in April 1974 after he acknowledged under oath that he had given information to FBI agents more than a year earlier about the conditions prevailing inside the village of Wounded Knee during its occupation by the American Indian Movement. The Bureau was troubled by Mone's suspension because of the implication that he had done something wrong; in the FBI's view anyone interested in saving lives or protecting the national interest should be willing to cooperate and not be punished by his employers for doing so.

The Crime Records Division became an especially important outpost of the Hoover empire, and some of the people who ran it were permitted to be unusually close with the Director. One of the most recent examples was George Quinn, a fast-talking, hard-driving New Yorker who wrote many of Hoover's last speeches. Quinn was even trusted enough to straighten the Director's tie and mix his drinks—privileges that very few agents had.

L. Patrick Gray dismantled Crime Records in part because he found the Division working against him—fighting to save a program that involved tabulating material on congressmen, continuing to treat reporters as its handmaidens, and generally resisting his orders to be more open. In Gray's final unhappy months as acting director, until he resigned after acknowledging that he had destroyed Watergate documents, press relations were handled from the Director's office (and leaks from there and other parts of the FBI were abundant). But the Crime Records people, even when dispersed to obscure corners of FBI headquarters, were powerful bureaucratic infighters; and hardly had Clarence Kelley been sworn in as the new director in 1973, than, on the advice of the old guard, he brought the Division back together.

Even Kelley had trouble, however. As chief of police in Kansas City, he had been a relatively open and available man and was inclined to bring those attitudes to Washington. But successive assistant directors, trained in the old methods, refused to handle the press any differently than before. When a reporter displeased the Bureau, the appropriate officials still went complaining to his editors; still the guardians of the FBI image kept book on Bureau "friends" and "enemies," questioning the motives (and sometimes the patriotism) of anyone who conveyed bad news. Finally, Kelley forced a few trusted favorites into important jobs in the Division and worked directly through them to create openings to the world outside the FBI. And yet, as times became more difficult for the Bureau, Kelley retreated himself into the protective cocoon of the old guard and questions developed about his own commitment to openness.

In any event, several years of post-Hoover turbulence, revelations of grotesque abuses in the name of the law, and suddenly lower public-opinion ratings made it clear that old charm and the days of Inspector Erskine were gone. *Time* magazine, the *Chicago Tribune*, *The Washington Star* and other old admirers joined the ranks of the new doubters. For the Bureau, it was all very painful—especially to admit that it was now powerless to prevent the pendulum from swinging. ■



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# The Resurrection of JFK

BY BLAKE FLEETWOOD

Charmed by the novelty of an "enlightened" Southerner, the media last year was captivated by Jimmy Carter. He was so boyish, so sincere, so refreshing, so . . . electable. But as Carter's political star ascended, the emphasis shifted from his folksy style to an uncomfortably close scrutiny of his positions. Criticisms of Carter have mounted since the beginning of the year. Only one major magazine, *Time*, has remained solidly in his corner, prompting conspiratorial speculation that the newsmagazine is actively working for his election. While there is little evidence to support a smoking gun theory, a Carter election would be due at least in part to *Time*. For it was *Time* magazine that "discovered" Jimmy Carter back in 1971.

Since Henry Grady first reported the emergence of a "new South" in 1872, the media has periodically rediscovered and chronicled this regional phenomenon. Rarely did the South seem newer than in 1971, when several moderate governors took office with promises of moving the South into a new era of social and economic progress. *Time's* Atlanta bureau suggested a story, which appeared in the May 31 issue that year, entitled, "New Day A'Coming in the South." Among the new governors exciting *Time* were Linwood Holton of Virginia, John West of South Carolina, Reuben Askew of Florida, Dale Bumpers of Arkansas and Jimmy Carter of Georgia. The choice for the cover was Jimmy Carter—because, as one staffer remembers it, "Carter was prettier."

Carter was also a logical choice for the cover, because the article focused on Georgia, where "nowhere can the promise—and the serious problems—of the emerging South be seen as readily." And lucky Jimmy Carter just happened to be Georgia's governor. Still, Carter's looks—pretty or not—became an important element of the image *Time* began to create. In Carter, the magazine tried to resurrect John F. Kennedy. For the 1971 cover, some 20 pictures by four artists were rejected because they didn't look enough like Kennedy. J.H. Breslow, whose portrait was finally used, says he was specifically instructed to make the picture look like Kennedy—and with the shock of hair and toothy grin, indeed it did. If the image was lost on anyone, inside the story suggested that Carter looked "eerily like John Kennedy from certain angles." Leading off the article was an excerpt from Carter's inaugural speech, in which he declared that

the time for racial discrimination is over . . . No poor, rural, weak or black person should ever have to bear the additional burden of being deprived of the opportunity of an education, a job or simple justice.

A *Time* cover can be intoxicating. According to an article by Steven Brill in the March *Harper's* the idea of running for the presidency entered Carter's head soon after the cover story appeared. In September 1972, Carter formally announced he was campaigning for the national office. "Jimmy who?" was the typical response of the public, if not the pols. Lately, of course, no one has been asking that question.

*Time* takes credit for at least part of this turn of events. Full-page ads plugging *Time's* election series, *Candidates '76*, note that "you might have begun [the Carter profile in the series] thinking 'Jimmy who?' But after you were finished you would know him well." These words appeared in fine print at the bottom of the ad, which was supposed to illustrate the magazine's incisive, informative coverage. Dominating the ad is a large picture of Carter, sitting in a rocking chair, looking for all the world like John F. Kennedy. The large bold heading above the picture says, "His basic strategy consists of handshaking and street-cornering his way into familiarity." To some, this looked like a lot of free advertising for Jimmy Carter. And it has always been illegal for corpora-

**Since Democratic Presidential contender Jimmy Carter appeared on the cover of *Time* in 1971, the magazine has pulled out all the stops to put the ex-governor of Georgia in the White House.**

tions to contribute to political campaigns.

The full-page ad ran during January and February in about two dozen national and regional magazines, including *People*, *Sports Illustrated*, *Forbes*, *Harper's*, *The Atlantic*, *Psychology Today*, *The Smithsonian*, *Atlanta*, *Chicago*, *Cleveland*, *Harvard Business Review*, *Los Angeles*, *National Observer*, *New Times*, *San Francisco* and *The Texas Monthly*. Some of the ads were trade-offs between publications—that is, there was no cash outlay by *Time*. But the cost of the space in those magazines was worth about \$100,000. The publicity value cannot be calculated.

Representatives from the Udall, Harris and Bentsen camps raised a fuss with *Time* management, and consulted their lawyers about filing protests with the Federal Election Committee.

"There's no telling how much that kind of advertising would have cost the Carter campaign," said Ed Coyle, administrative director for Morris Udall. Frank Greer, national media director for Fred Harris, called *Time* Inc. vice chairman Roy E. Larsen and told him, "It's one of the most blatant corporate promotions of a candidate that I have ever seen." Greer then asked Larsen whether *Time* was planning to sue any of the other candidates in its house ads. According to Greer, Larsen said no, they couldn't do an ad for every candidate, but while there was nothing wrong with the Carter ad, they would withdraw it to appease their critics. Assistant publisher Lane Fortinberry confirms that the ad was indeed barred from future use, but claims it had already completed its schedule "except for maybe one or two magazines." The Harris for President Committee was, at last report, planning to file a formal protest with the FEC. Walter Censor, a *Time* attorney, says the magazine is well protected by freedom of the press guarantees.

*Time* decided to promote its election coverage sometime last fall. At that time, only three candidate profiles had appeared in the series—Carter, Udall and Bentsen. (Since then, Bayh and Wallace have also been featured.) Carter was selected by the promotion department, and the ad was prepared by Young and Rubicam, *Time's* advertising agency. "I believe Carter was selected because he gave an appealing photograph and is very charismatic," says Alan Martin, creative manager in *Time's* promotion department. "He is also instantly recognizable. It was mainly for artistic reasons."

If this is so, then once again as in 1971, Jim-

**"His basic strategy consists of handshaking and street-cornering his way into familiarity."**

PHOTO: STEVE DEAL



"ten asked in Georgia when the peanut farmer when he made it on his second try, in 1970."

*Time's* enthusiasm for Jimmy Carter is reflected in 1971 cover (left), which was made to resemble John F. Kennedy, and advertisement (above), which promotes Carter's presidential candidacy as much as *Time's* election coverage.

Blake Fleetwood is a freelance writer who lives in New York.

my Carter has just been extremely lucky. *Time* magazine's recent coverage of Carter, however, suggests that he may have more than just luck going for him on the editorial side.

*Time*'s profile of Carter—from which the ad excerpts were taken—appeared in the Oct. 13, 1975 issue. It was largely upbeat, repeating the familiar "facts" about him—how as governor he slashed 300 state bureaus to 22, left a budget surplus of more than \$50 million, was supported by Georgia's blacks. The wrap-up stressed how effectively he conveyed to audiences his sincerity. This portrait was pretty much the kind of thing appearing everywhere about Carter, most notably in *The New York Times Magazine* last Dec. 14, in a piece by Patrick Anderson. As Alexander Cockburn suggested in *The Village Voice*, "it is not nearly of so much interest to report that Carter is a liar as to describe the way people feel him to be sincere." But as Carter gained in the polls, the press took a closer look. Evans and Novak called him a "fibber," *The Village Voice* and *The New Republic* (in an article by Reg Murphy, former editor of the Atlanta *Constitution*), contrasted his public claims with his actual record in Georgia. There were suggestions that he was a racist, and a poor administrator. All accused him of waffling on the issues.

By early 1976 the mounting criticism had become a story in itself. *Time* dealt with it in the Feb. 2 "Nation" section, in a question and answer format headed "Carter and his Critics." Carter's responses were occasionally buttressed by information supplied by *Time*'s correspondents. At the end, they concluded, "Overall Carter's rebuttals to his critics sound reasonable—or at least within the reasonable bounds of political expediency." Doubts are raised only twice: "His 1970 endorsement of [Lester] Maddox may have been warmer than the situation required" and "on the abortion issue in Iowa, Carter seems to have been more contriving than he admits." The same week, *Newsweek* also handled the subject in a Q & A format that likewise gave Carter, for the most part, the last word. But *Newsweek* also ran a balanced story called "Man on the Move" that spelled out in detail all the charges and criticisms being leveled against the candidate, noting that "one problem on the horizon was Carter's own record—or at least the way he seems to exaggerate or cosmeticize it." *Time* merely said that as the new front-runner, Carter would no longer be able to make vague statements . . . and every item of his record as governor will be scrutinized for flaws."

The definitive critique of Carter's record was soon to come. Word was circulating that the March *Harper's* would contain a piece by Steven Brill, called "Jimmy Carter's Pathetic Lies," that could do particular damage to Carter in liberal circles. Indeed, Brill's piece was a careful, solid piece of reporting contrasting Carter's public claims with his actual record. Stanley Cloud, *Time*'s Washington correspondent who covers the Carter campaign, says he was asked by managing editor Henry Grunwald to prepare a dispatch on the Brill article for the Feb. 16 "Nation" section. In his story, Cloud says, he discussed the leaks of the article and their use by Carter's opponents. As for Brill's charges, a few were given credence, some labeled "absurdly trivial, others called "open to serious question," and most simply dismissed by noting that Carter had already rebutted them in *Time* on Feb. 2. Cloud's piece was also a personal attack on the author's journalistic credentials. "Brill is a hit man," an anonymous Washington-based correspondent is quoted as saying. "He's the liberal enforcer."

On Friday night, Feb. 13, several hours before the Feb. 16 issue was to close, Grunwald abruptly switched Cloud's story to the press section, thereby scrapping a piece already prepared about *New Times*. This was done apparently for two reasons—first, there was more space available there; and the "Nation" had run a piece about Carter and his critics only two weeks earlier. In

moving the article, Cloud's material about the leaks was removed, and more information was added about Brill. Indeed, Brill says that even before the story was completed, he was told by one *Time* staffer that "Grunwald is really worked up about this, and it's going to be a real hatchet job."

Reporter Patricia Becker was instructed by senior editor Ron Kriss to call and interview Brill at 11:30 P.M. that night, and did so before she even had a chance to read the *Harper's* article. Photographer Ted Thai, who was sent over to Brill's home at about the same hour, told Brill he had been instructed to get a picture of him "smoking a cigar" and "looking mean." Kriss reportedly told Neil Gluck, who was assigned to rewrite Cloud's piece, to focus on the "hit man" quote. Indeed, that phrase also appeared under Brill's picture. The resulting piece was more reminiscent of *Time* of the 1950s in its hysteria and political advocacy. *Time*'s point of view was clear from the start: the article was titled, "Doing a Job on Jimmy." As malicious as the printed version was, the first version was even worse until it was toned down by editor-in-chief Hedley Donovan. Cloud's

original ending, retained by Gluck, said something to the effect that "If there are any candidates to the right of George McGovern and Brill profiles them, it will certainly be a hatchet job."

Which, of course, is precisely what *Time*'s piece was. The question is why some attribute the Brill attack to Henry Grunwald's widely rumored support of Carter. One *Time* staff member says Grunwald told him at a cocktail party in Washington that he favored Carter. Alexander Cockburn in *The Village Voice* says that he, too, has heard Grunwald express support for Carter. Asked his preference by [MORE], Grunwald says his private opinions have nothing to do with his professional actions. Anyway, he says, he hasn't made up his mind about the candidates. Another explanation offered is *Time*'s journalistic ego in wanting to see its discovery get ahead. Indeed, Carter's latest campaign literature quotes *Time* as follows: "He has begun to emerge as the fastest of the dark horses . . . For Jimmy Carter a sure sign of progress is not only the friends he has won but the opponents he has made." Some of his best and most useful friends seem to be at *Time*. ■

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# THE BIG APPLE

## Hands Off

The New York *Daily News* was almost sued in January on the novel grounds of defaming the Pope. The would-be litigant, the hyper-conservative Committee of Catholic Laymen Pro Ecclesia, was livid about a *Sunday News* piece (Jan. 25) poking fun at Paul VI's recent condemnation of masturbation, homosexuality and premarital sex. While most newspapers ignored commenting on the Vatican bull, the *News* sought the opinion of John Deedy, managing editor of *Com-*



Pope: defamed?

Wide World

*monwealth*, the Catholic lay publication, for its Sunday "View" section.

Deedy observed that the "Declaration on Certain Questions Concerning Sexual Ethics" was perhaps behind the times, citing a footnote in the statement that referred to Leo IX's stand against masturbation in 1054. This Pontiff-baiting roused Fr. David F. Rea, Pro Ecclesia's theological counsellor, to write *News* publisher W.H. James a righteously indignant letter. Rea deplored the irresponsibility and licentiousness of the debased freedom of the press. But on the advice of J. Daniel Mahoney, Pro Ecclesia board member as well as founder of the New York Conservative Party, he withdrew the threat of legal action.

But neither Deedy nor the *News* were off the Church's hook. The following week's *Catholic News*, the archdiocesan paper, anathematized both of them in a four-column, front-page broadside headlined, "Deedy Article Falls Flat On Its Face." Chastened by the reaction of traditionalists, the *News* invited a response from the other side which ran in a subsequent Sunday "View."

Now that both camps have been heard from, perhaps the time has come for one of those scientific *News* polls to decide once and for all how New Yorkers really feel about onanism.

—PHILIP NOBILE

## Kid Stuff

As every savvy editor knows, readers cannot get enough of the Patty Hearst story. In fact, we are so hungry for any new detail that we have lately been buying each of the three daily editions of the *New York Post* as it appears on

the stands. Featured prominently on page one of the Feb. 15 *Post* was an article about the previous day's testimony. Unfortunately, we discovered that virtually the same story, in the same position (second lead), ran in all three editions. We only learned one new thing.

City (first) edition:

**SAN FRANCISCO**—Tom Matthews is a happy, reasonable, alert 19-year-old kid from Los Angeles who wears a comb in his back pocket and has a frieze of adolescent hickies along one jaw. Nineteen months ago, he was—in the law's eyes—kidnapped by Patricia Hearst and friends. He had a wonderful time.

Wall Street and Final editions:

**SAN FRANCISCO**—Tom Matthews is a happy, reasonable, alert 19-year-old kid from Los Angeles who wears a comb in his back pocket and has a frieze of acne along one jaw. Nineteen months ago, he was—in the law's eyes—kidnapped by Patricia Hearst and friends. He had a wonderful time.

## Great Scott?

On Jan. 14, flamboyant literary agent Scott Meredith called a press conference to announce that he had signed Judith Campbell Exner, reputed lover of Sinatra, Giancana and John Kennedy, to write a book. Meredith predicted that with the release that day of a juicy ten-page outline, a deal would be closed "within one week." He predicted a bid of about \$2 million.

Despite the fanfare, Exner's outline attracted only one offer, for \$100,000, and has been taken off the market pending completion of the book. David Winn, Exner's editor at Scott Meredith's office, says that Meredith thinks "we can get a better deal once the book is completed" because even juicier details will be included. Exner is presently somewhere in Los Angeles working "day and night" with co-author Ovid Demaris, in order to complete the manuscript by the fall.

The only offer Meredith received was for \$100,000-plus from G.P. Putnam & Co. Meredith turned it down. At Putnam, Steve Pender, assistant to the editor of the rights department, called Meredith's willingness to discuss the figure involved "unethical."



Exner: no takers

Wide World

## Out of the Bullpen

Jim Bouton, WCBS-TV sportscaster and former Yankee pitcher, will play the starring role of—Jim Bouton, in a half-hour pilot for a possible fall comedy series on CBS. The pilot, which follows the adventures of a big league ballplayer, is based on *Ball Four*, Bouton's controversial 1970 best-seller that poked behind the all-American façade of the national pastime. The authors of the script are *Newsday* TV critic and funnyman Marvin Kitman, *New York Post* sportswriter Vic Siegel—and Bouton. Although Bouton's only previous acting experience (besides TV news) was a small part in the film *The Long Goodbye*, he handily beat out some ten other actors who were tested for the lead role. If CBS picks up the series, Bouton will pack in his sportscasting job, which he says has begun to bore him anyway. WCBS is reported to be casting about for a replacement in the form of some fading athlete anxious to become a journalist.

—JULIAN J. ORBON



Bouton: Jack of all trades

Wide World

Lack of interest in the book apparently stems from suspicion about Exner's credibility, and a desire to stay away from a somewhat smutty subject involving a former President. Fred Jordan, senior editor at Grove Press, called it "a non-book—the kind that gets slapped together." Harper & Row editor Cass Canfield, Jr., says his house rejected the outline because "it wasn't a book for us—the subject matter obviously." "I just don't care what she has to say about JFK or Sinatra," said Tom Wallace, editor-in-chief of Holt Rinehart and Winston's trade book division.

—ERIC P. NADELBERG

## Man of the World

"Only One Earth" reads the motto on the letterhead of a mailing promoting the surprise presidential candidacy of Norman Cousins, a man who has stood foursquare behind such inarguable sentiments for more than three decades. Cousins, the editor of what Dwight Macdonald has called the "textbook example of middlebrow cultural journalism," the *Saturday Review*, has been issuing Sherman-esque responses to the draft campaign, the first mailing for which is said to have drawn a 10 per cent response and raised about \$20,000.

The Draft Norman Cousins for President Committee, headquartered in Wayne, N.J., is an offshoot of the Campaign for UN Reform, in turn an offshoot of the World Association of World Federalists, a favorite Cousins cause. The Federalists are fervent believers in "world order" and "global interdependence."

Accompanying the pitch for Cousins ("a former confidant of U Thant, a close friend of Albert Schweitzer, an unofficial adviser to President Kennedy, a recipient of awards from Pope John . . .") is a typically gaseous *Saturday Review*

editorial of last June in which Cousins wrote that the UN must

transcend the limitations of its members, which is to say it must have effective jurisdiction in matters concerned with common dangers and common needs. . . . The aim must be effective governance in the world arena.

"Cousins often confuses the UN with the real world," Macdonald observed in 1972, "perhaps because it is as empty yet portentous as his prose style, perhaps because it's as safe a cause as motherhood except to a few difficult oddballs." The fact that Cousins and Company still haven't abandoned the UN should probably be ascribed to what one former colleague calls his "infernal optimism, the belief that every problem has a simple solution."

According to draft committee chairman Walter Hoffmann, a lawyer long active in New Jersey politics, the campaign is an effort to bring the World Federalist view into the race and influence the Democratic party choice. The literature plays down the actual possibility of a nomination ("a long, long longshot," Hoffmann calls it), but recalls that draftee Wendell Willkie, another globalist, won the presidential nomination without a conventional base or prior record in office.

Cousins, who lent a substantial amount of money to Hubert Humphrey in 1968 and supported Edmund Muskie in 1972, explains that he's being used as an "example," although he would prefer to support either Notre Dame President Father Theodore Hesburgh or Yale President Kingman Brewster, both of whom performed very well (along with Cousins) in a poll conducted by Hoffmann's group. Why, then, is he permitting the draft? "They asked me not to disavow it. I'd do almost anything for the World Federalists except

# THE BIG APPLE



Cousins: Man of the World?

"career" was at stake. "When you are dealing with someone like a professional man," said Alex Michelini, New Jersey state editor of the *Daily News*, "in the event that the allegations prove groundless, the dangers of harming a career are so much greater." *Record* reporter R. Clinton Taplan was told by his editors to be "very very cautious."

Also without exception, all editors involved concede that their attitude toward disclosing a name would be different in the case of a politician under investigation but not yet indicted, on the grounds that public servants should be as blameless as Caesar's wife. Several also noted that it is much more difficult for a public

figure to win a libel judgement than it is for a private citizen. *Times* reporter M.A. Farber, whose independent inquiries had sparked the reopening of the case, said he felt that at this early stage in the investigation it was sufficient that the prosecutor, if not the public, had Dr. X's name.

The media's curtain around the medical world continued a week after the first Dr. X story, when the *Times* ran an excellent, comprehensive five-part series on the skeletons of the profession. One horror story after another documented unnecessary operations, amateurish diagnoses and the difficulties in revoking medical licenses. In the entire series, only three doctor's names were used—two

twins who died last summer, and the notorious Max "Dr. Feelgood" Jacobson, who lost his license several years ago after a *Times* investigation.

*Times* reporter Boyce Rensberger says no names were used because they would have diverted attention from the national problem. Authorities would simply investigate the few doctors cited for incompetence, he says, and avoid looking further. But what of the doctors whose licenses have already been revoked? Jane E. Brody, co-author of the series, says the *Times* didn't have those names. Anyway, she feels there is little point in identifying persons who are already barred from practicing.

—MARY-ANN SHERMAN

make a damn fool of myself," he says, adding that he "would include running for president in that category." Undaunted, Hoffman "hopes" to show him that there's sufficient support so that he wouldn't make a fool of himself."

Currently the Cousins camp boasts such cultural-intellectual heavies as Yehudi Menuhin, Albert Szent-Gyorgyi and Steve Allen, the comedian and writer, who is serving as co-chairman. Allen, a onetime *Saturday Review* coverboy (Jan. 30, 1960) waxes rhapsodic about Cousins: "an inspiring visionary, scholar and intellectual. I cannot think of a single factor that anyone would want in which Norman Cousins is not better than the great majority of candidates."

—TERRY PRISTIN

## Fatal Secret?

On Jan. 7, *The New York Times* reported that the Bergen County (N.J.) prosecutor was reopening an inconclusive 1966 investigation linking a local surgeon to the mysterious deaths of up to 13 patients. Five bodies, buried ten years ago, were being exhumed and examined for evidence of curare, the drug believed responsible for the deaths. With a heavy dose of melodrama, the *Times* referred to the physician in question as simply "Dr. X."

It was a story of major importance in the state. The surgeon, the *Times* had revealed, was currently practicing in three unnamed northern Jersey hospitals. Reporters assigned to the case quickly learned the man's identity and whereabouts. Yet none of the other papers pursuing the story—including the New York *Daily News* the *Record*, the Newark *Star-Ledger*, the *Jersey Journal*, the *Herald-News* and the *Dispatch*—mentioned the doctor's name. He remained "Dr. X." The hospitals were only identified one month later, after records had been subpoenaed from two of them.

Without exception, all the journalists involved with the story said they were withholding Dr. X's name because he had not been officially charged. The overriding concern expressed was that a "professional

*The New York Post*, the city's habitually dreary afternoon newspaper, introduced in January an uncharacteristically excellent series, reporter Steve Lawrence's "Consumer Beat," which described various injustices perpetrated on the public by the supermarket industry. But in February, a nervous editor-in-chief and publisher, Dorothy Schiff, abruptly killed the series on the grounds that it was driving away advertisers. Her act prompted angry staffers to remove their bylines from their stories for ten days—the only right of protest *Post* reporters have under their Newspaper Guild contract.

Lawrence, who has concentrated on environmental issues during his six years at the *Post*, had cleared his idea for a supermarket series with his editors. In the first two installments, which ran on Jan. 13 and 15, Lawrence followed New York City Department of Consumer Affairs inspectors around several unnamed supermarkets, describing some of the stores' less appetizing sights—like rodent droppings, mislabelled packages, dead roaches—and quoting one inspector, who said, "You can find something [a violation] anywhere you go." After the first story appeared, Schiff wanted to speak to Lawrence, but was dissuaded by *Post* editors. However, Lawrence's editors did tell him that they didn't want any copy on Wednesdays, when supermarket ads usually run.

On Jan. 16, Jules Rose, executive vice president of Sloan's supermarkets, a substantial *Post* advertiser, complained to Lawrence, in a personal letter, that "You slanted a story to make an industry look bad . . . our records reveal that perhaps we have violations in one out of every 25,000 packages." Lawrence wrote back that the DCA had told him it actually found violations 60 to 70 per cent of the time, and that just that week a Sloan's branch had been caught with 29 shortweighted packages of shrimp. On Jan. 23, Lawrence duly cited Sloan's shrimp in his third story, which dealt with shortweighting. He mentioned two other supermarket advertisers, Waldbaum's

## Dancing to Dolly's Consumer Beat



Dolly Schiff

Wide World

and Pioneer, when he wrote about overpriced or unavailable "specials" on Jan. 27.

On the afternoon of Feb. 6, Schiff pulled Lawrence's fifth and relatively innocuous story on food coupons from the last two editions of the *Post*. Reporters immediately planned a byline strike. Lawrence asked to see Schiff and spent two and a half hours with her that day. She showed him a handwritten memo from *Post* advertising salesman George Gossert, which said that Sloan's had cancelled its advertising because the chain considered it counterproductive to buy space in a newspaper that attacked the supermarket industry. Key Food, another supermarket chain, was threatening to cancel, the memo also said.

The following Monday, Feb. 9, Schiff asked to see some staff representatives and spent another two hours with an informal delegation of four reporters, including Lawrence and assistant managing editor Al Ellenberg, who wanted to negotiate the return of "Consumer Beat." Schiff, who felt she should have been consulted when the series was planned, pleaded that business was so bad that she could not afford to lose an account she said was worth up to \$75,000 a year. (Since December, Sloan's had run eight ads costing \$1,400 each.) Although she had ad-

mired Lawrence's reporting, she didn't want to reinstate the series unless it could avoid offending advertisers.

However, the two advertisers in question contend that Lawrence's series had not inspired thoughts about cancelling. Key Food advertising manager Leonard Turin, asked if he had threatened to withdraw, replied disgustedly, "Should I even demean myself to answer this question? Key Food has not made threats along that line." Sloan's Jules Rose maintains adamantly that although he was not pleased with "Consumer Beat," he had told the *Post* in early January that he planned to switch temporarily to two local newspapers, the *Amsterdam News* and *El Diario*, which have largely black and Hispanic readerships respectively. Salesmen at both papers confirm that Rose had indicated before Christmas that he was leaving the *Post*. Still, Rose's last ad appeared in the *Post* on Jan. 28, and he did not sign with the two other papers until the end of January. Ironically, his first ads in these papers ran the week the byline strike began.

Back in the *Post* newsroom, Steve Lawrence cleared another "Consumer Beat" piece on meat mislabelling with Ellenberg and then sent it up to Schiff on Feb. 13. Her response was non-committal. Lawrence is presently working on this story, with little hope of seeing it in print.

Schiff, as is her wont, would not comment on all this. But she is no doubt worried by the latest Audit Bureau of Circulations' figures, which indicate that for the six months prior to Sept. 30, 1975, *Post* circulation was down 13 per cent from 1974, probably reflecting in part the paper's price increase from 20c to 25c last spring. Schiff told the Newspaper Guild, with whom she is currently negotiating a three-year pact, that she could not afford raises for the second and third year, and she even opened the *Post*'s books to support her case. An auditor from the Guild's New York local thought that Schiff's fears might be justified regarding the third year, which will end March 31, 1978.

—ANN MARIE CUNNINGHAM

# FURTHERMORE

## The Real Danger To Civil Liberties

BY JOHN L. HESS

Perhaps the most imminent threat to civil liberties today is the notion that the media pose a threat to civil liberties. Gag orders are issued in the name of justice; government files are sealed to protect people who might be indicted if their contents were known; bills are introduced to make it a crime to leak or publish damaging information.

The campaign is, in a way, flattering. It suggests that the media are so hungry for scandal that they let no consideration of justice stand in their way. Well, Lord knows we have our faults, but an excess of investigative zeal is not one of them. In the year of Watergate, as *Washington Post* publisher Katharine Graham has pointed out, "It got awfully lonesome." So why are Graham and such other lonely practitioners as *The Village Voice* suddenly switching sides? Why are they warning that, as a recent *Voice* headline put it, "Investigative Journalism Can Be Dangerous"?

One reason is that *The Washington Post* was vindicated, that some of the truth about Watergate, Vietnam, the C.I.A. and corporate bribery has been brought to light and that, here and there around the country, a scattering of investigators has been digging up bad news. This is upsetting to the Establishment and to many conventional citizens, including some of the journalists who had *not* reported the scandals now revealed on their own beats. It is natural that those who feel threatened should strike back. It is less natural that so dedicated a champion of the underdog as Nat Hentoff of the *Voice* should charge to the defense of endangered politicians. It is disturbing that under the headlines "Punish the Prosecutors!" he supports still another proposed law aimed at plugging leaks. To be sure, Hentoff shies away from a clause that would punish defense lawyers, as well as prosecutors, for "trying their cases in the press." But he goes along with the idea that the First Amendment threatens the rights of privacy and due process. I submit that Hentoff and his colleagues are confused about their priorities, confused about civil rights and confused about journalism.

Consider the situation in New York. At this moment, largely as a result of newspaper exposés, the speaker and the majority leader of the Assembly are under indictment and the Democratic state chairman and several judges are fighting grand jury subpoenas. On Christmas Eve, Governor Carey tried to sack Special Prosecutor Maurice Nadjari, only to run into a firestorm when Nadjari revealed that he had been investigating the Governor's circle. An

*John Hess* is a New York Times reporter who has investigated such varied scandals as museum art sales, nursing homes and city contracts. He is the author of *The Grand Acquisitors* (Houghton-Mifflin).

Victor Juhasz



**'That everyone is innocent until proven guilty is at once an absurdity and the glory of our legal system,' argues the author. 'The courts must act as if it were true. Apply it to the press, and we are dead.'**

opinion poll showed that an overwhelming majority of the public did not believe Carey's claim that he simply wanted a more effective cleanup of the judiciary. Yet a surprising number of political writers did buy that claim, at least in part. Without denying that the sale of judgeships was a traditional practice in New York, they made the central issues the ones that the pols had drawn: the alleged incompetence of the prosecutor, and the impropriety of Nadjari's leaks to the press.

Pious indignation is the mode. We must draw no inferences from the fact that the politicians are fighting to avoid testifying before a grand jury, and when indicted, to delay their trials. Above all, we must keep in mind the sacred presumption of innocence. Yet the indicted speaker and majority leader have not only kept their powerful posts in the Assembly, but also received warm testimonials from fellow pols. A rally for one of them was attended by two judges, a swarm of legislators and Congresswoman Bella Abzug, who is running hard for the Senatorial nomination. She explained: "Everyone is innocent until proven guilty."

The statement is at once an absurdity and the glory of our judicial system. In the real world, it simply isn't so; lots of guilty people are never convicted, and some innocent ones are found guilty. But our courts must act as if it were true, in order to bar punishment without due process of law. Apply this principle to the press, and we are dead; Hentoff could never get away with calling Nadjari a bum if he first had to persuade 12 jurors that it was true beyond a shadow of a doubt.

I forget the philosopher who wrote that liberty is obedience to the law—a nicely paradoxical way of saying that

only law can protect the individual against tyranny. That's what civil liberty is all about: the protection of the weak. To write about it in the abstract, as if it had nothing to do with the real world, is to fall into folly.

A remarkable example is the article in the *Voice* headed "The Dangers of Investigative Journalism." The writer, Phil Tracy, tells us that he came "precariously close" to publishing an anonymous tip that a bribe had been paid to get a suspended sentence for a friend of the governor. The man, it appears, had "involved himself in a series of financial transactions which were ultimately characterized by the district attorney's office as grand larceny and forgery." (Translation: the guy was a crook. Note that, where "financial transactions" are involved, the presumption of innocence persists even after conviction.) Luckily, the tip came in too close to deadline for Tracy to publish it that week, he says, and it didn't stand up on further inquiry. Conclusion: "I only hope that . . . the reformers—particularly newspapers—do not become so insensitive to the power that they have that they become almost as evil as the people they are seeking to uproot."

The problem posed here was an elementary one of journalistic responsibility and fair play, and Tracy flunked it. He managed to do precisely what he was saying that he had damned near done: he published an anonymous charge of a criminal conspiracy, naming names, and now wants a medal for calling it false, although he does not prove that, either. At the same time, he escaped a real story that was under his nose: "I further discovered [!] that in cases similar to this one, where the guilty party has made partial restitution

and agrees to make full restitution eventually, judges often give suspended sentences."

It is, to be sure, an old story: "The law locks up both man and woman / Who steal the goose from off the common / But lets the greater felon loose / Who steals the common from the goose." It has become an acutely current issue now, however, in part because for the first time a very substantial number of the powerful have been exposed as lawbreakers. The Presidential pardon, the tennis-playing sentences, the acquittals and the lecture fees incurred by the mighty and the near-mighty cannot fail to impress the less privileged. A resulting cynicism about the law is surely a greater danger to our liberties than is an irresponsible press.

When prisoners rioted in an overcrowded city jail recently, *The New York Times* mentioned in passing that they had been waiting up to six months for trial. Presumption of innocence? Not for those too poor and friendless to post bail. As a matter of fact, bail is almost never required of persons of status who, in Tracy's words, may be involved in transactions that some district attorney may characterize as criminal. Out of 24 indicted to date in the New York nursing-home scandals, only one, to my knowledge, has been required to post bail. He was a kitchen helper, accused of lying to a grand jury about his boss's thefts of food. The boss drew a conditional discharge—even lighter than probation—on his confession to having stolen \$60,000 from Medicaid. Another operator, who stole \$187,000, drew probation from a judge who was tougher than the prosecutor. All four owners convicted so far—two of them notorious for abuse of patients—are still running nursing homes and will keep their licenses while their lawyers exhaust all the resources of due process, which will take years.

This is not to suggest that the rich and powerful should not have the same civil rights as the poor and weak, only that they don't have the same problems. Few prosecutors have the staffs, the time, and the will to go after what is misleadingly called "white collar crime." (The clerk who is caught tapping the till is in a different predicament altogether from the corporation president found to be conspiring to fix prices.) And those who do have the capacity point out that the courts are reluctant to send a solid citizen to prison. As a lawyer commented cynically, we reserve harsh punishment for slobs who cannot measure the risks of crime, while withholding it from those who can.

The problem is frankly acknowledged by Charles J. Hynes, New York's special prosecutor for nursing homes. A dedicated and scrupulous law man, he graciously credits his appointment to exposés in the media. Yet a recent speech of his was headlined "Hynes Details Steps to Curb Media Abuse" and described his need to "defuse the lynch mob attitude" and "pressure for indictments."

*Et tu*, Hynes. Considering that no

publication had cried for the blood of a nursing-home promoter, nor had ever criticized Hynes since his appointment a year earlier, although he had yet to send a perpetrator to prison, his remarks might stir surprise. But most observers took Hynes to be trying to spare himself the obloquy that has been falling on the special prosecutor for abuses in the criminal justice system, Nadjari. In other words, Hynes was attacking the media because the media were attacking the media.

To oversimplify a bit, the criticisms of Nadjari boil down to two counts: that some of his indictments of judges have been thrown out by other judges, and that he leaks to reporters. As for the first count, it would be hard to determine what a good batting average is, since few prosecutors have ever indicted a judge, and there is no reason to believe that the judiciary is any more enthusiastic about cleaning house than is, say, the American Medical Association. (More broadly, it is easy for a prosecutor to bat close to 1.000 if he only goes after patsies. That goes for media crusaders as well.) Journalists should rejoice that, at last, *somebody* is going after crooks in black robes, while hoping that he does a good job of it.

As for the second count, there is no reason to suppose that Nadjari is any more leakproof than virtually all the other district attorneys, sheriffs and police officials I have seen since I was a cub reporter in Arizona more than 30 years ago. Leak is a mild word for dragging a poor wretch in handcuffs before the cameras, an everyday practice that disgraces the law and should shame the media. All honor to Hentoff for denouncing it. But while it takes a willing press to make this misconduct worthwhile for lawmen, their offenses are different in kind. The task of the lawman is to enforce the rule of law, with all its restrictions. The task of the journalist is to report the news as fairly, accurately and meaningfully as he can. Both proceedings, unfortunately, inflict some punishment on the accused. That cannot be helped, but should be minimized.

Unfortunately, a great deal of journalistic energy is wasted on hunting the cheap scoop—the advance tip on who is going to be indicted. Good reporters try to dig up news that would not be printed, ever, if they didn't get it. In this effort, the leak plays a precious role. Most civil servants and corporation employees know things that the public ought to know, but never will unless they tip us off.

So do district attorneys, and members of grand juries. The obstacles to prosecuting crimes of politicians and corporations are so great that many improprieties and felonies known to them are never made public. It is proper that we require law enforcers, to whom we grant such enormous powers of prying, to keep their mouths shut. But I do not think that this bars a reporter from publishing leaks from such sources. (Where an official cover-up is involved, as in the Pentagon Papers, Watergate or the crimes of the C.I.A., there is no problem. A reporter should seek out leaks, and publish them without hesitation.) On the one hand, we should not ask prosecutors to do our work for us. On the other hand, we should not join the clamor against investigative reporting, as if it were a threat to our civil liberties.

There are, of course, leaks and leaks. Henry Kissinger, the champion leaker of state secrets who for years basked in the adoration of the press (remember Super K, and Henry the Sexton?), now sobs about McCarthyism when he faces a bit of criticism. (Where was the professor when McCarthy was riding?) Agnew, Nixon, Mitchell, they were all victims of the media, all targets of treacherous leaks, all being found guilty without due process. Their defenders cried that in view of the lynch atmosphere stirred up by the press, it would be impossible for those heroes to get a fair trial. But none went to prison, or indeed suffered anything comparable to the fate of a poor slob in the toils of the law. That is a *real* danger to civil liberties, in that it encourages contempt for the law.

There is a French witticism that every state grants its subjects the right to cry "God save the King!"; the test of liberty is whether they may cry "Down with the King!" That is why the Founding Fathers placed freedom of speech in the First Amendment, well ahead even of due process. With freedom of speech, the rest of the Bill of Rights may be defended. Without it, there is no Bill of Rights. So let's worry a bit less about the dangers of investigative journalism and a bit more about the danger of *non*-investigative journalism. ■

press conference in New York on Nov. 21, to complain that the government was asking large search fees before releasing documents to them. "In the meantime," she added, "the government began leaking damaging stories from the still unopened files. The most widely printed was a report that the late FBI director, J. Edgar Hoover, along with other law enforcement officials, had allegedly favored reducing Ethel Rosenberg's sentence to 30 years in prison. Another leak concerned a confession Julius Rosenberg was supposed to have made to a cellmate at the Federal House of Detention in New York City. . . ."

Hoover's recommendation of leniency for Ethel Rosenberg and the existence of an FBI informant who allegedly passed on information from Rosenberg were both reported first in *The Washington Star*. Neither was based on a leak in any sense of the word. Both stories were based on an examination by Orr Kelly, our Justice Department reporter, of files already made available to the *Meeropols*.

The report about Hoover appeared in the *Star* on Nov. 16. It was based on a document in the files of the U.S. Attorney for the Southern District of New York. Those files, which had been opened to the *Meeropols* on Oct. 27, were examined by Kelly on Nov. 13. Although neither the *Meeropols* nor

their attorney had visited the U.S. attorney's office, the Justice Department ruled that the documents had become public records and were open to the press. The existence of an FBI informant in the case was revealed by documents in the Justice Department's criminal division. Those files were sent to Perlin without charge on Nov. 7 and Kelly examined the files that same day. His first story based on those files appeared in the *Star* on Nov. 13.

Later, as Harris notes in her article, the search fees asked by the FBI and CIA were waived and files of both those agencies were made available to the *Meeropols* and the press. But the two stories Harris cites were contained in materials that were either in the possession of the *Meeropols* or available to them—and to the rest of the press—at the time the first stories appeared in the *Star*.

In this case, there was no need for the *Star* to rely on leaks. The new amendments to the Freedom of Information Act had worked to open up the government files, demonstrating the degree to which the law is useful to the press even when the reporter is not the one who makes the original request for the files.

—Barbara S. Cohen  
National Editor  
*The Washington Star*  
Washington, D.C.

## Letters

(continued from page 3)

Sunday section two (enclosed; I have 500 copies). It's hard enough getting recognition in this racket for your everyday gems of prose and observation, but when I am slighted for perhaps the one burst of true visionary genius I am apt to loose, I think it is high time I go on record as offended!

And, if all that were not enough of an affront to my dignity—confirming my suspicion that all of my previous writing is invisible, including my *book* (flyer enclosed; I have 2,000 copies)—I should also inform you that I wrote the definitive piece on the politics of the rock press, long before Mr. Welles came up with the idea—in July, 1974 to be exact, for the ill-fated *Contemporary Music* October issue (the magazine, of which I was the editor, folded after September). I subsequently had the misfortune to place this piece in the April issue of *The Funny Papers* (of which I was the associate editor), a magazine which folded after the March issue.

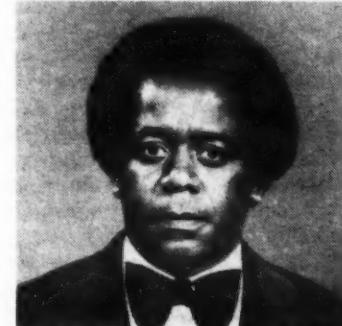
Having just now regained the piece from those defunct offices, I offer it here to you to reprint gratis, as a letter to the editor, or whatever, as a public service to my sagging ego (if you don't go out of business first).

—Bruce Pollock  
Fairfield, Conn.

**Freedom of Information**  
In preparing her article on the Freedom of Information Act ["Prying Out The Truth"—January 1976], Amanda Harris apparently received some erroneous information concerning the release of government files related to the trial and execution of Julius and Ethel Rosenberg. She reports, accurately, that Michael Meeropol, one of the two sons of the Rosenbergs, and their attorney, Marshall Perlin, held a

## "How many people do you know who have been cured of cancer?"

Flip Wilson,  
National Crusade Chairman



Almost everybody knows someone who has died of cancer. But the fact is about two million living Americans have been cured. Not only cured but leading active, normal lives. Another fact is millions more could be.

By getting to the doctor in time. By availing themselves of the most effective treatments today. By advances made through cancer research. Research made possible with the help of the American Cancer Society.

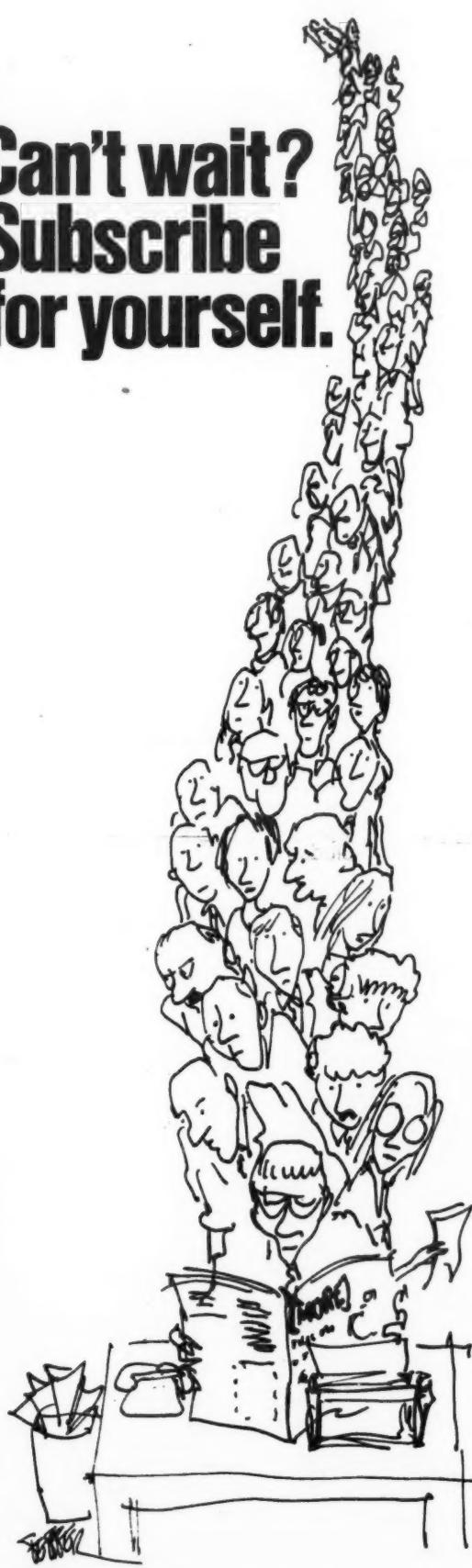
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TV REPORTER: major market experience; distinctive background in film, tape, production; female. Reply Box 120. [MORE] (55)

CALIF. BAY AREA. Newspaper Reporter, 35, seeks writing job. Newspaper or magazine. Governmental, legislative, environment. Medical "beat" experience. Aggressive, accurate, enterprising. Now with 100,000 plus newspaper. MA. Married, former Californian. Reply Box 119. [MORE]. (55)

SEASONED ASIA HAND based in Hong Kong available anything from economic or travel writing to China watching. Own photography. Saul Lockhart, 72nd Repulse Bay Road, HONG KONG. Cables: SAVESTROMCOHONGKONG. Telex: 74613. (55)

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MOVIE CRITIC EXPERIENCED newspaper reviewer, wide film knowledge, resourceful, New York based. Seek free-lance reviews, pieces on film industry. Reply Box 104. [MORE]. (55)

I've been a soldier, sailor, policeman, salesman, engineer, cowhand, truckdriver, and more. I fear nothing animal, vegetable, mineral or political. I can write, speak, and think effectively, and I want to report, and investigate for a newspaper. Reply Box 123. (MORE). (55)

Librarian, 27, BA/English, MA/Library Science seeks reference/research position with med/large daily paper, magazine, book, publisher, 4 years experience med. public library. P.A. Pearson, 3207 Riverside Ave., Jacksonville, Florida, 32205. (55)

Freelance journalist/photographer, specializing in science and environmental reporting, would like fulltime magazine or newspaper job. Reply Box 124. (55)

## PUBLICATIONS

SPEAKING OF BOOKS is its own best salesman. Entertaining weekly reviews, news. Free trial month, samples: Free Spirit Features, 214 Old Hickory Blvd., Suite 173, Nashville, Tenn. (55)

"1976" CATALOG OF SURVIVAL/MILITARY—BOOKS/ MANUALS. 50 cents. Guerrilla warfare, special forces. "Survival" Long Storage Foods, List 50 cents. Ken Hale (MO-50), McDonald, Ohio 44437. (55)

FEMINIST FAIRYTALES: Fairy Tales for Today's Children. Books, posters available. Send for catalogue. Over the Rainbow Press, PO Box 7072, Berkeley, Ca. 94707. (55)

## PUBLICATIONS

MEDICAL MEDIA, news, books reviewed monthly. Progressive physicians share sources, facts; demystify drugs, operations, diagnostic procedures; have contributed to New York Review, Times Book Review, Nation, Harper's. Four newsletters \$3.00. *The Medical Reader*, 6605 Lincoln Drive, Philadelphia, Pennsylvania 19119. (55)

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